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Report of Attorney General 1864
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DEBATES

IN THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF LOUISIANA.

SESSIONS OF 1864-65.

S. W. BURNHAM, }
A. L. BARTLETT, } OFFICIAL REPORTERS.

ALSO,

REPORTS OF STATE OFFICERS, ETC.

NEW ORLEANS:
W. R. FISH, STATE PRINTER.
1865.



Louisiana attorney general.
= Annual report

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DEBATES

IN THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF LOUISIANA.

SESSION OF 1864.

MONDAY, October 3, 1864.

On Monday, the 3d day of October, 1864, being the day fixed by the constitution for the meeting of a special session of the General Assembly of the State of Louisiana, the representatives met at Liberty Hall.

The House was called to order at 12 m. by W. H. Seymour, Esq., at the request of members.

Mr. Seymour was nominated speaker *pro tem.*, and on a division being called for, the motion was declared lost.

MR. BAUM—I nominate T. U. Laster, speaker *pro tem.*

The motion was carried, and Mr. Laster took the chair.

MR. FOLEY—I nominate William J. Furniss secretary *pro tem.*

MR. BAUM—I object, as the gentleman named is not a member of the House.

MR. FOLEY—I withdraw the motion.

MR. BAUM—I nominate Mr. Foley.

The motion prevailed, and Mr. Foley was declared secretary *pro tem.*

MR. T. U. LASTER (speaker).—Gentlemen, I am not an old politician, and am not very well versed in parliamentary rules and the proceedings of deliberative bodies; but, nevertheless, I trust that I am capable of discharging the duties of this office; otherwise, I would not have permitted my friends to have advocated my name for the position.

I am extremely obliged to you for the honor you have conferred upon me by calling me to the chair of the speaker *pro tem*.

MR. BAUM—Mr. Speaker, the next thing in order is the reading of any communication that may have been received from the secretary of state.

MR. CHRISTIE—I move that there be a committee of five appointed on credentials.

MR. BAUM—That is out of order. We must first listen to the communication from the secretary of state.

MR. CHRISTIE—I move that a Committee on Credentials, consisting of five members, be appointed by the chair. Then it will be the proper time to take up any communications.

MR. BAUM—I move to lay that motion on the table.

The motion was carried.

A communication from the secretary of state was then read, giving a statement of the returns of the election of members to the General Assembly.

MR. BAUM—I now move that a committee of nine members, on credentials, be appointed by the chair.

The motion was adopted.

THE SPEAKER—The chair appointed the following members to form the Committee on Credentials: Messrs. J. G. Baum, Dejean, S. Belden, J. T. Todd, Boyd Robinson, D. W. Shaw, B. Collins, L. A. Laloire, T. F. Kavanagh.

A motion to adjourn till Wednesday was lost.

On motion of Mr. Badger, the House then adjourned until 12 m. to-morrow, to allow the Committee on Credentials time to make their report.

TUESDAY, October 4, 1864.

At 12 m. the House was called to order by the speaker *pro tem*., and upon roll-call, a quorum responded to their names.

The minutes of yesterday were adopted as read.

Mr. Baum, chairman of Committee on Credentials, submitted its report, which declared all the members duly elected, submitting, for the disposition of the House, the case of the contestants from the parish of Madison. The report was adopted as read.

MR. DUANE—I move the members be now sworn in.

MR. SKYMOUR—I amend, and would postpone that until after a permanent speaker is chosen.

THE SPEAKER—I am under the impression that the first suggestion is best,

inasmuch as the report of the Committee on Credentials has been accepted, declaring all the members duly elected.

MR. SEYMOUR—It is impossible for the speaker to swear in members before he himself has taken the oath.

A motion to table Mr. Seymour's amendment was lost, and thereupon it was carried.

MR. BAUM—I move that we now go into an election for permanent president, secretary, sergeant-at-arms, messenger, doorkeeper, and two reporters. Motion carried.

MR. SEYMOUR—I move the whole matter be referred to a committee, who shall indicate what officers are necessary. The last motion was tabled.

The speaker announced that all voting would be *viva voce*.

The following gentlemen were then nominated for the speakership : S. Belden, by D. W. Shaw ; T. U. Laster, by H. G. Pearson ; W. H. Seymour, by F. Henratty ; P. Harnan, by Mr. Gannon ; W. R. Meeks, by Mr. Schillang ; Young Burke, by P. Harnan ; J. T. Michel, by E. Galligar ; P. K. O'Conner, by E. M. Bouligny ; J. F. Van Tromp, by S. W. Lewis ; L. E. Laloire, by S. Belden ; J. Duane, by J. G. Baum.

Messrs. Meeks, O'Conner, Van Tromp and Duane withdrew their names.

THE SPEAKER—As I am interested, I call Mr. M. Belden to the chair.

MR. MEES—The voting should be by ballot.

MR. FOLEY—No, sir, that is unnecessary, and, moreover, unconstitutional, as it is expressly provided that all voting shall be upon roll-call.

After roll-call, the votes were announced, as follows : T. U. Laster, 22 ; S. Belden, 21 ; J. T. Michel, 12 ; J. G. Baum, 5 ; W. H. Seymour, 2 ; Messrs. Burke, Lewis, Pearson, Harnan, each 1.

The speaker declared the ballot indecisive.

MR. EGAN—I move that we drop as candidates all but those receiving the three highest number of votes. Carried.

Result of second roll-call : S. Belden, 33 ; T. U. Laster, 26 ; J. T. Michel, 17.

This roll-call being indecisive, another was ordered, with the following result (Judge Michel's name having been withdrawn) : S. Belden, 52 ; T. U. Laster, 27.

Mr. Belden was accordingly declared speaker, the announcement being received with great applause.

MR. BAUM—I move that a committee of three be appointed to escort the gentleman to his seat. Motion carried, and Messrs. Baum, Riggs and Christie appointed.

MR. DUANE—I move that the speaker *pro tem.* retake his seat and receive the speaker elect. Motion carried.

Mr. Belden was then accompanied to the chair, and, being received by the speaker *pro tem.*, addressed the House as follows, quiet being at length restored :

MR. BELDEN (speaker).—*Gentlemen of the House of Representatives of the State of Louisiana*: I have to say that the distinguished honor conferred upon me this morning is of that high, peculiar character, that precludes my giving vent to the feelings I entertain in appreciation of that honor. There are a great many reasons, gentlemen, why I view the honor conferred upon me this day in its true character of importance, and among these is this: For the first time in my life I have met where all are equal. That is to say, I represent, as speaker of this House, the first Free State Legislature of Louisiana, a right and privilege that every American citizen has; yet we all understand perfectly well that, three or four years ago, I should have had scarcely a shadow of a chance; but to-day I meet with you, gentlemen of honor, intelligence, and integrity, who have assembled here under new auspices, connected with the administration of the government of Louisiana, and I hail it as the proudest privilege and one of the noblest honors that could have been conferred upon me.

It is unnecessary to state to you the importance of the Legislature upon which we are to enter, and the mission we are about to engage in is, perhaps, in many particulars, a matter of doubt; but this is undoubtedly the most important legislative body that has ever met in the State of Louisiana.

A gentleman remarked in my hearing—our most excellent lieutenant governor—it will become our province, instead of legislating for rebellion, to direct our entire efforts throughout to such ends and aims as will thwart and crush out rebellion, and anything connected therewith. (Applause.)

Our duties will be arduous. The laws of Louisiana from 1812,—for from that period they probably date,—we will have to upset, and obliterate that which is obnoxious to a free people; placing on our statute books such laws as will call into action the powers and beauties of a free government. We must enact such laws as will act in conjunction with the great military power of the government of the United States, that is now waging war against a rebellion the most tremendous and powerful in its proportion that has ever desolated the earth. In doing this, our legislation will be of that permanent character, that in after life, after the strife and turmoil of this dreadful war shall have passed, both we and our children, and our children's children, that will succeed them, will look back and say unto us, "Well done."

No doubt, gentlemen, there are some,—I am certain there are such beyond the military lines,—who will impugn our motives, and I expect to see the same thing occur in our immediate vicinity.

I think, gentlemen, in looking about on this assemblage of talent in this House, that you have made a mistake in calling me to the speaker's chair, but according to the old proverb, "in a multitude of counsellors there is wisdom." I shall endeavor most certainly to discharge my duty to the best of the abilities I possess; at the same time let me in conclusion ask you, as friends and

legislators, to assist me by co-operating with me, and thus make our legislative connection agreeable to both speaker and members. Again thanking you for your kindness and the honor you have conferred upon me this morning, I take my seat. (Great applause.)

MR. BAUM—I now move we proceed to elect a secretary.

MR. BOFILL—It seems to me that before proceeding any further, we should take the oath prescribed by the constitution.

MR. BAUM—I withdraw my motion.

The speaker elect was sworn in by the temporary speaker, and the oath then administered by the speaker to the members, who were called up by representative districts and parishes.

A motion to adjourn was laid on the table.

MR. HARNAN—I move that the roll be called to see if there is a quorum present. Lost.

MR. POYNOT—I move that we proceed to elect a permanent secretary. The motion was carried and the following gentlemen nominated :

Messrs. Seicshnayder, Earheart, O'Sullivan, Hamilton, Hall, Furniss, Westerfield, Collins.

The vote resulted as follows : U. S. Seicshnayder, 8 ; F. B. Earhart, 1 ; E. O'Sullivan, 7 ; S. C. Hamilton, 7 ; P. W. Hall, 8 ; J. W. Furniss, 19 ; H. C. Westerfield, 22 ; Collins, 2.

MR. BAUM—There being no election, I move we vote for the three candidates having the highest number of votes.

MR. DUANE—I amend to four. Carried.

The roll was again called, and the following vote recorded Westerfield, 39 ; Furniss, 27 ; Hall, 9 ; Seicshnayder, 6.

Mr. Westerfield was declared elected.

MR. BAUM—I move that Mr. Westerfield be unanimously declared the choice of the House.

On motion, the chair appointed Messrs. Bofill, Christie and Kavanagh to inform the secretary of his election.

MR. FOLEY—I move that Mr. Furniss be unanimously declared the choice of this House for assistant secretary.

MR. BOFILL—I move to lay that motion on the table.

Carried by a rising vote of yeas 35, nays 23.

MR. BOFILL—I move that we go into an election of sergeant-at-arms.

A motion to table was lost, and the motion carried.

The following nominations for sergeant-at-arms were then made : H. W. Graham, M. DeCoursey, John Gallagher.

The roll was called, with the following result : DeCoursey, 38 ; Graham, 33 ; Gallagher 2.

Mr. DeCoursey was therefore declared elected.

MR. BOFILL—I move we adjourn.

The motion was carried—yeas 41, nays 28—and the House adjourned till 12 M., Wednesday.

WEDNESDAY, October 5, 1864.

The House met at 12 M., pursuant to adjournment, and on the roll being called, sixty-nine members responded to their names.

The minutes of yesterday were then read by the secretary, and, after some slight alterations, adopted.

MR. GALLIGAR—I move to now go into an election for assistant secretary.

MR. BAUM—I wish to offer the following resolution before we proceed to the election.

Resolved, That the rules adopted by the General Assembly of 1858 be the standing rules of the House of Representatives; and that a committee of five members be appointed to report rules for the government of this House, also that 150 copies be printed for the use of the members.

MR. CHAMBERLAIN—Before that motion is put, I would like to state that I was absent yesterday and have not been sworn in.

Mr. Chamberlain was duly sworn in by the speaker.

MR. BURKE—I think that a less number of copies of the rules would answer the purpose. We want only what is necessary, and I move that 100 copies be printed.

MR. DUANE—I offer as an amendment, that, instead of adopting the rules and regulations of 1858, we have a committee of five, appointed by the chair, to draft rules for this body.

MR. MEEKS—The resolution provides that that shall be done.

MR. DUANE—I withdraw my motion.

The resolution was then adopted.

MR. FOLEY—I now move, as we have adopted the rules temporarily, that the secretary be requested to read those rules.

MR. BAUM—I move to lay that motion on the table. The rules are only temporarily adopted and I do not see any need of consuming time by reading them.

The motion to table was lost.

MR. POYNOR—It seems to me that we shall delay the House for an hour or two without any necessity; for those not conversant with these rules will not know any thing more about them from a single reading.

The motion of Mr. Baum was carried and the secretary then read the rules and regulations.

THE SPEAKER—I appoint Messrs. Baum, Michel, Seymour, Riggs and Todd to act as committee on drafting of rules.

The regular business of the day, election of remaining officers, was next taken up—Messrs. Jehlen, Collins, Boyle, Hancox and Furniss being nominated as assistant secretaries, when the nomination being closed, the roll was called for first assistant.

MR. DUANE—Before the vote is announced, I move that gentlemen who have come in since the question was put be allowed to vote.

MR. FOLLEY—I object, unless the rules be first suspended, a two-thirds vote being necessary to do that.

MR. BAUM—I move the rules be suspended.

Roll-call on question of dispensing with rules: Ayes 46, nays 28. Rules suspended.

The result of the first ballot was as follows: Boyle 27, Furniss 20, Collins 16, Hancox 6, Gal 3.

MR. FOLLEY—I move that only the three highest stand as candidates on the next ballot.

Motion carried.

The second ballot resulted as follows: Furniss 18, Collins 21, Boyle 24.

MR. BAUM—I move that the candidate receiving the lowest number of votes be dropped.

MR. DUANE—I move that be laid on the table. Motion carried.

On third roll-call the votes were as follows: Furniss, 16½; Collins, 17; Boyle, 38½.

Mr. Boyle was accordingly declared first assistant secretary.

Several gentlemen then proceeded to nominate for another assistant secretary.

THE SPEAKER—The nominations for assistant secretaries have been declared closed; therefore, no new ones can be made, but the voting is now to be restricted to the two candidates left on the last ballot.

MR. POYNOT—I wish to know if the candidates dropped on the first ballot cannot be run again. I think it unjust if they cannot do so, only because they were not elected on that ballot.

THE SPEAKER—The decision of the chair is, that the nominations are finally closed; if any gentleman thinks himself aggrieved, he can of course appeal.

Result of roll-call for assistant secretary: Collins, 41; Furniss, 31.

Mr. Collins was therefore declared assistant secretary.

MR. BAUM—I move that the assistant secretaries be unanimously declared the choice of the House. Motion carried.

MR. BOFILL—I move that a committee be appointed to notify Messrs. Boyle and Collins of their election.

THE SPEAKER—I appoint Messrs. Baum and Laloire to act in that capacity.

MR. POYNOT—I move that we proceed to the election of a doorkeeper. Motion carried and nominations opened and closed.

On first roll-call there was no choice.

MR. DUANE—I move that on second roll-call the three highest candidates be only voted for.

MR. HARNAN—I amend to five.

MR. BAUM—I move the amendment be tabled. Motion carried, and original motion adopted.

On second roll-call the result was as follows : Gibbings, 18 ; Whittle, 24 ; Doyle, 34.

MR. MCGUIRE—I move that the candidate receiving the lowest number of votes on last roll-call be dropped.

Motion to table was lost and original motion carried.

The result of the last roll-call was announced : J. Doyle, 34 ; G. H. Whittle, 35.

MR. DUANE—Several members have counted the votes and arrived at a different result. I think there must be some mistake in the announcement.

THE SPEAKER—There is an error. The correct vote is as follows: Doyle, 39; Whittle, 35 ; Mr. Doyle is therefore elected.

MR. POYNOT—I move we adjourn.

The motion was lost.

MR. BAUM—I move we go into an election for postmaster.

A motion was made to adjourn.

MR. CHRISTIE—I hope there will be no adjournment until the permanent organization is completed.

The motion to adjourn was not acted upon and the previous motion of Mr. Baum carried.

The following nominations for the office of postmaster were then made : Messrs. Fisher, Smith, Winters, Proffitt, Sullivan, Randall, Maas, Sweet, Monahan, McDermott, Hanley, Felan and Casserly.

Upon the roll being called the following vote was received :

Felan, 16 ; Sweet, 14 ; Maas, 11 ; Winters, 9 ; Proffitt, 7 ; McDermott, 5 ; Hanley, 5 ; Casserly, 3 ; Randall, 2 ; Monahan, 0 ; Sullivan, 0 ; Smith, 0, There was consequently no election.

MR. BOFILL—I move that we ballot for the three highest. Carried.

The second roll-call resulted as follows : Sweet, 36 ; Felan, 29 ; Maas, 14. There was no election.

MR. BOFILL—I move that the lowest candidate be stricken off.

The motion was adopted, and on the third roll-call Mr. Felan was declared elected, the vote being, P. Felan, 39 ; C. L. Sweet, 38.

MR. WATERS—I move we adjourn until to-morrow at 12 o'clock.

The motion was carried and the House adjourned.

THURSDAY, October 6, 1864.

The House met pursuant to adjournment at 12 M., and 69 members answered to the roll-call.

Mr. Nephler, member from East Baton Rouge, was sworn in by the speaker.

The minutes of yesterday were then read and approved, after some trifling objections.

MR. DECKER—I submit the following resolution :

Resolved, That a committee of three be appointed by the chair to wait upon his excellency, the governor, and inform his honor that the House of Representatives is now organized and ready to receive any communication that he may be disposed to lay before them.

The resolution was laid on the table.

MR. CREIGH—I move that the House proceed to elect six messengers.

MR. FOLEY—I amend to four.

MR. CREIGH—I accept the amendment. The motion was adopted.

MR. WATERS—I move that each member be allowed to vote for the four messengers at once, in order to save the time of the House. Carried.

MR. DECKER—I move the four highest be declared elected. Carried.

The following nominations were made : Manuel, Burke, Gannon, Collins, Benedict, Schultz, Feeney, Kearns, McDonald, Milden, Keegan, Smith and White.

The vote resulted as follows : Gannon, 25 ; Kearns, 27 ; Burke, 48 ; Schultz, 28 ; McDonald, 48 ; Keegan, 3 ; White, 3 ; Collins, 38 ; Manuel, 19 ; Benedict, 34 ; Feeney, 3 ; Milden, 1 ; Smith, 19. Messrs. McDonald, Burke, Collins and Benedict were accordingly elected, and unanimously declared the choice of the House.

MR. POYNOR—I offer the following resolution :

Resolved. That the clergy of this city be invited to send a list of the names of those wishing to serve as chaplains of this House, one to officiate each day of the session.

MR. EGAN—I move to lay it on the table.

MR. HARNAN—I second the motion.

MR. POYNOR—I wish it understood that there is no denomination to be excluded.

The yeas and nays were demanded and the roll called. Yeas 37, nays 39. The motion was therefore lost.

MR. FOLEY—I amend as follows : Provided they receive no compensation.

MR. DUANE—I move to lay it on the table.

A *viva voce* vote was taken and a division called for, when the motion was lost by a rising vote of yeas 24 ; nays 46.

MR. POYNOR—I call for the previous question on my resolution, and demand the yeas and nays.

The resolution and amendment were then read.

MR. CHRISTIE—The question now being before the House, it is debatable. I do hope the gentlemen composing this House of Representatives, above all things they may do, will set their foot against the introduction of any preachers.

MR. DUANE—The gentleman is out of order. The previous question has been moved.

MR. POYNOT—The question is not debatable.

THE SPEAKER—Shall the main question be now put? Carried. Yeas, 50; nays, 20.

MR. BOPILL—I call for the yeas and nays on adoption of the resolution.

The doorkeeper announced a message from the Senate.

A motion was made to receive it.

MR. FOLEY—It cannot be received when any question is pending.

The yeas and nays were called on the adoption of the resolution.

MR. CHRISTIE—I call for a suspension of the business to receive a communication from the Senate. Carried.

The yeas and nays were then called on the resolution of Mr. Poynot, with the following result: Nays 52; yeas 23. The resolution was therefore rejected.

MR. BOVEE—I move the House go into an election of assistant sergeant-at-arms.

MR. FOLEY—I do not consider the assistant sergeant-at-arms an officer of this House; he is merely an employé of it, and it is not necessary that he be elected.

THE SPEAKER—The gentleman will send up his resolution in writing.

The secretary read the resolution, as follows:

Resolved, That the House go into an election of two assistant sergeants-at-arms.

MR. EGAN—I move to lay it on the table. The motion was carried by a rising vote—yeas 38, nays 27.

MR. LASTER—I offer the following resolution:

Resolved, That the House now go into an election for two reporters.

MR. EGAN—I move to lay it on the table. The motion was lost.

MR. FOLEY—I amend to one reporter.

MR. WATERS—One reporter is not sufficient for the duties of the position, and in case of his illness we should have none.

MR. SEYMOUR—I move to lay the amendment on the table.

Carried, and the resolution of Mr. Laster adopted.

MR. SEYMOUR—I now nominate Messrs. S. W. Burnham and A. L. Bartlett for the office of official reporters to this House.

MR. FOLEY—I believe the question is debatable. I have read with care the proceedings of the Louisiana Legislatures, which have been composed of sometimes as high as 96 members, while in this body we have elected only 83; they never had more than one reporter, and he was found sufficient for the purpose, and unnecessary expenditure should be avoided. I do not wish to increase the expenses of the State by employing more than one.

MR. POYNOT—It seems the gentleman has undertaken the "poor man" cause.

MR. FOLEY—I call the gentleman to order. I have not spoken of poor men.

MR. POYNOR—I am going to apply it to a poor State. The gentleman says the State is in a bad condition. We all know that; but I think this body is capable of maintaining the officers necessary for the performance of its work. A verbatim report of our proceedings is important, and in the cases referred to by the gentleman, nothing like a full report was ever made.

MR. LASTER—To do away with this debate, I now move that Messrs. S. W. Burnham and A. L. Bartlett be unanimously elected by acclamation. The motion was carried.

MR. BAUM—I call for the resolution of Mr. Decker, to appoint a committee of five to wait on the Senate.

MR. POYNOR—I move to amend, by instructing the secretary to inform the Senate that the House is organized, and ready to receive any communication. The amendment was laid on the table.

MR. CHRISTIE—I am opposed to the resolution appointing a committee to wait on the Senate, for the reason that we are not organized. I do not wish to be made to tell a falsehood. We have two officers to elect—sergeant-at-arms and enrolling clerk.

The resolution was adopted. The chair appointed Messrs. Decker, Laster, Cook, Seymour and Kavanagh on the committee.

MR. HARNAN—I rise to a question of privilege, to introduce a resolution that will prevent this assembly frittering away time in useless phraseologies:

Resolved, That no ministers of religion be allowed to perform any service during the session of this Legislature.

MR. WATERS—I move we go into election of warrant clerk.

MR. FOLEY—I offer the following:

Resolved, That the sergeant-at-arms of this House be authorized to appoint his assistants; *Provided*, They do not exceed four.

MR. BADGER—I amend to two.

The amendment was laid on the table.

MR. CHRISTIE—It is a constitutional enactment that we vote for every officer, and there is no distinction in the officers. If the sergeant-at-arms is an officer, the assistant sergeant-at-arms is an officer also, and I contend that it is right that this House should elect them. We will have this work to do all over, unless we decide it at once, and I think the present is the proper time, then, to receive any communications from the governor.

MR. FOLEY—If the gentleman will refer to the constitution of 1852, he will find the same clause; but if he will refer to the proceedings of the Legislature, he will also find that there never has been an election held for assistant sergeant-at-arms. They are not considered officers; they are merely employés, and the sergeant-at-arms is responsible for their acts. I think they should not be made independent of him.

MR. CHRISTIE—In answer to that argument, I have only to say, that I have nothing to do, as a member of this House, with the constitution of 1852. That has passed and gone, and I go to the constitution of 1864. I am astonished to find a gentleman, who rendered a noble service in the enactment of that very clause, should endeavor to institute any other proceedings than are strictly in compliance with the requirements of that constitution.

There can be no distinction between the assistant sergeant-at-arms, in regard to being an officer, and the sergeant-at-arms himself. If you do not fulfill these requirements, you will violate your sworn pledges, and it is as much incumbent upon you to elect these officers, as the messengers or any other inferior officers.

If you permit the sergeant-at-arms to appoint his assistants, you might submit to the appointment of the sergeant-at-arms himself, by your worthy speaker.

MR. POYNOT—The gentleman, it appears to me, has been arguing upon a false representation. He has not proven to this body where there is any law that gives the right to elect the sergeant-at-arms. He has not given this body to understand where it has ever been customary. Custom is, in a great measure, to be our guide. Now, I can prove, by custom, that it has never been done; that the sergeant-at-arms, elected by the body, is responsible to that body, and he has the selection of his subordinate officers. Furthermore, the assistant sergeant-at-arms and messengers are not officers of this body.

MR. CHRISTIE—Let me call attention—

MR. FOLEY—I have the floor, I believe. The gentleman has stated that the assistant sergeants-at-arms were officers, and that if we don't elect them, we will violate our constitutional obligations. If that is the case, I say our honorable Senate has committed the same violation, for they have appointed enrolling clerks, and I think an enrolling clerk is more an officer of this House than the assistant sergeant-at-arms. Again, he says that messengers are officers. If they are, they must be over 21 years of age, and voters in the State, in order to be officers; therefore, his argument is good for nothing,

MR. CHRISTIE—I would call the attention of the speaker to article 13, beginning: The House of Representatives shall—

MR. BOYLL—I rise to a point of order. According to our rules, no member shall be allowed to speak more than twice upon the same question, except, by the suspending of the rules, the House permit him to.

MR. CHRISTIE—I wish to speak in explanation, for I believe that the assistant sergeants-at-arms are "officers," to all intents and purposes.

MR. LALOIRE—I move the rules be suspended.

Motion to table lost.

The motion to suspend the rules was lost, upon division called. Main question put and lost—ayes 35, nays 36.

MR. BOYER—I move that we go into an election for two assistant sergeants-at-arms.

JUDGE MICHEL—That has already been voted down, and cannot come up again.

MR. HARNAN—I move we adjourn. Motion carried on rising vote, and the House adjourned until 12 m. on Friday, the 17th inst.

FRIDAY, October 7, 1864.

The House met pursuant to adjournment at 12 m., and a quorum having responded to their names, the minutes were read.

MR. FOLEY—In Mr. Decker's resolve, "his excellency" should be substituted for "his honor."

MR. DECKER—The committee appointed to wait upon the Senate, was composed of "five" members instead of "three."

The minutes were adopted as amended.

DOORKEEPER—A message from the governor.

The secretary then read the governor's message, which will be found elsewhere.

MR. BAUM—I move that the message be received, and one thousand copies be printed.

MR. FOLEY—I amend to three thousand copies.

Motion to table amended and lost, and the amended motion carried.

A motion to print it in French was tabled.

THE SPEAKER—Before proceeding further, I would state that I have the report of the state treasurer on my table.

MR. BAUM—I move that it be read. Motion carried.

The secretary began to read the report.

MR. FOLEY—I move that the further reading of the report be dispensed with, and the printing of two hundred copies be ordered.

The motion was carried.

MR. BAUM—I offer the following joint resolution :

Resolved, That the Senate concurring with the General Assembly, meet in joint session on blank day of October, at 2 o'clock p. m., in the Hall of the House of Representatives, for the purpose of electing a newspaper, to be denominated the "official newspaper," in which shall be published the journals of the Legislature and the statutes and enactments passed ; the same to be published in book form, and all other printing that may be required for the use of the Legislature.

MR. FOLEY—I offer the following substitute :

Resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the members of both Houses do meet in this the Hall of the House of Representatives, on this day, Friday, October 7, at 2 o'clock p. m., for the purpose of electing, by joint vote, a state printer.

The motion to table was carried.

Blank day in Mr. Baum's resolution was filled by inserting "at 2 o'clock, this day."

MR. FOLEY—We have two reporters, and according to the resolution, we have nothing for them to do. I move that it also include the debates.

Amendment accepted and original resolution carried.

MR. FOLEY—I offer the following resolution—stating that the same was passed by the Senate on yesterday :

Resolved, That a committee of five members of the House be appointed to confer with a committee of — members of the Senate, for the purpose of fixing the *per diem* of the officers and employés of the General Assembly.

MR. BAUM—I amend to "seven" members.

The amendment was accepted and the resolution carried.

MR. SEYMOUR—I offer the following :

Resolved, That the sergeant-at-arms be instructed to procure four daily papers for the use of each member of the House while in session.

MR. BAUM—I amend to "five."

Amendment accepted.

MR. BAUM—I move that the papers be the True Delta, Era, Times, Bee and German Gazette.

MR. MICHEL—As an amendment, I move that every member select his own papers.

MR. SEYMOUR—That is a very good suggestion, as we have numerous members who do not understand French, and also Germans.

Motion to table Mr. Baum's motion and the amended motion was then adopted.

MR. BAUM—As chairman of the Committee on Rules and Regulations, I beg leave to submit the following :

Mr. Baum then read the report of the committee.

MR. BOFILL—I move that the report be received and made the order of the day for to-morrow, at 1 o'clock.

MR. CHAMBERLAIN—I move that two hundred copies be printed.

MR. BAUM—They are already printed.

Mr. Bofill's motion carried.

MR. FOLEY—I understand that the Senate has adjourned ; therefore, as we cannot go into an election of state printer to-day, I move that we proceed to the election of warrant clerk.

Motion carried, and the following gentlemen nominated : Messrs. Furniss, Trenchard, Walsh and Fisher.

Result of first ballot : Roll-call. W. J. Furniss, 30 ; F. F. Trinchard, 26 ; J. Walsh, 9 ; F. Fisher, 9.

There being no choice, on motion of Mr. Foley, the two candidates receiving the lowest number of votes were dropped, and the roll called again, with the following result : Trinchard, 37 ; Furniss, 37.

The speaker cast the tie vote for Mr. Trinchard, who was accordingly declared elected.

MR. BAUM—I offer the following :

Resolved, That the speaker have all the official printing done until the election of a printer.

MR. BOUDREAUX—I move that when we adjourn, that we do so until Monday, at 12 M.

MR. FOLEY—I amend to “to-morrow.”

Amendment tabled.

MR. BOUDREAUX—I now move we adjourn until Monday, at 12 M.

Motion carried and House adjourned until Monday, the 10th inst.

MONDAY, October 10, 1864.

The House met pursuant to adjournment at 12 M., and the roll being called, sixty-five members responded.

THE SPEAKER—Under the resolution to appoint a committee of seven members of the House, to confer with a committee of — members of the Senate, for the purpose of fixing the compensation of officers and employes of the General Assembly, the chair appointed Messrs. Foley, Christie, Baum, Bofill, Laloire, Lewis, Bernard.

I have before me the report of the attorney general of the State, which is for your consideration.

MR. HARNAN—I move the reading be dispensed with and 200 copies of the report printed.

THE SPEAKER—I have about that number of copies of the report for distribution.

MR. BAUM—I move the reading be dispensed with.

Carried.

MR. BADGER—I offer the following resolution :

Resolved, That the Daily Picayune newspaper be furnished to each member during this session. The resolution was adopted.

MR. BOFILL—I move that the rules and regulations reported by the committee be taken up, section by section.

Carried.

The secretary then commenced reading the rules and regulations.

MR. FOLEY—I move to suspend the rules for the adoption of the joint resolution.

MR. BAUM—I move to lay it on the table.

The motion was lost and the resolution adopted.

The secretary then proceeded with the reading of the rules and regulations, when the secretary of the Senate was announced, with a message, to the effect that the resolution sent on last Friday, with reference to a state printer, was amended, making the hour 2 P. M. to-day.

MR. CHAMBERLAIN—I move to change our resolution to correspond.

Carried, and the Senate informed of the concurrence of the House.

The remainder of the rules were then read and adopted, with but slight changes.

The report, as amended, was then adopted, and the committee discharged.

THE SPEAKER—I have observed a marked difference in the observance of the rules, and I ask you to pay that attention to these regulations which you have adopted, so that we proceed more harmoniously. I shall permit no infractions of these rules, as the executive officer, and shall endeavor to preserve perfect order. [Applause.]

MR. BADGER—I move we take a recess of twenty minutes.

Carried.

The House assembled again at 2 o'clock, upon which the roll was called and a quorum found to be present.

DOORKEEPER—Mr. Speaker: A message from the Senate.

CLERK OF THE SENATE—Mr. Speaker, I am directed by the Senate to inform the House that the Senate is now ready to go into joint session, for the purpose of electing two senators and a state printer.

The members of the Senate entered and took seats in front of the speaker's chair. Lieutenant Governor Wells took the chair.

MR. GASTINEL—I move we proceed to the election of a senator to fill the term of J. P. Benjamin.

MR. MONTAMAT—I move we fill the longer term of Slidell, first.

THE SPEAKER—I would state that the shorter term expires first, and, in the opinion of the president, it is first in order to take up.

MR. MONTAMAT—I move we proceed with the longer term.

MR. BOYCK—I move to lay it on the table.

MR. FOLEY—I rise for information. I do not believe Slidell was elected for a long term. His term expired in 1861.

MR. SMITH—Mr. Slidell was elected in 1860, for six years, claiming residence in Alexandria. Consequently, his term expires in two years.

The motion to table was lost, and the original motion was adopted.

Mr. Foley nominated R. King Cutler; Mr. Boyce nominated Chas. Smith; Mr. Benson nominated Cuthbert Bullitt; Mr. O'Connell nominated E. H. Durell; Mr. Purcell nominated Lieut. Gov. Wells; Mr. R. M. Miller nominated A. P. Dostie.

THE SPEAKER—I have no disposition to accept the nomination, but thank my honorable friend for the compliment.

MR. BOYCK—I withdraw the name of Charles Smith for the present.

On motion of Mr. Foley, the names of the senators were called first.

Senate—For R. King Cutler: Messrs. Barrett, Bell, Boyce, Gastinel, Hart, Jones, Kavanagh, Lawton, Montamat, Mithoff, Newell, Nicolas, Purcell, Sullivan, Smith, Springer, Wright, Wood—18.

House—Messrs. Bovee, Bouligny, Bofill, Baum, Balser, Brown, Bensel, Badger, Burke, Bondreaux, Buckley, Cook, Creigh, Collins, Chamberlain,

Corley, Duane, Decker, Dejean, Danel, Egan, Ennis, Foley, Gannon, Galligar, Harnan, Howes, Haberlin, Henratty, Hawkins, Hawthorne, Ingram, Kamper, Kavanagh, Kleas, Laster, Lester, Laloire, Lewis, McCann, McDonnell, McGuire, Miller W. D., Meeks, Maas, Michel, O'Conner, Poynot, Pearson, Riggs, Spellicy, Schilling, Seymour, Shaw, Tully, Walsh, Waters, Wood, Wheeler—59.

Senate—For Cuthbert Bullitt: Messrs. Brownlee, Brown, Benson, Griffith, Lara, Watson—6.

House—Messrs. Bangs, Belden S., Christie, Evans, Griffith, Miller R. M., Mace, Marie, Robinson, Rotgé, St. Martin, Smith, Todd, Woodward—14.

Senate—For E. H. Durell: Messrs. O'Connell, Howes, Bisbee, Breckenridge, Belden H. C., Belden R. L., Nephler, Senette—6.

Cutler, 77; Bullitt, 20; Durell, 7; Dostie, 0—104. The Hon. Mr. Cutler was therefore declared elected.

The following nominations were then made for the second vacancy: Mr. Michel nominated Charles Smith; Mr. Baum nominated Cuthbert Bullitt; Mr. Montamat nominated E. H. Durell.

The roll was called, with the following result:

Senate—For Charles Smith: Messrs. Brown, Bell, Boyce, Gastinel, Griffith, Hart, Jones, Kavanagh, Lawton, Mithoff, Newell, Nicolas, O'Connell, Springer, Watson, Wright, Wood—17.

House—Messrs. Bovee, Boulligny, Bofill, Burke, Boudreaux, Breckenridge, Buckley, Belden S., Cook, Chamberlain, Duane, Decker, Dejean, Egan, Ennis, Foley, Gannon, Galligar, Griffith, Haberlin, Hawthorne, Ingram, Kavanagh, Kleas, Kamper, Lester, Laloire, Lewis, McDonnell, McGuire, Miller W. D., Meeks, Michel, Nephler, O'Conner, Poynot, Spellicy, Schillang, St. Martin, Shaw, Todd, Waters, Wood, Woodward, Wheeler—45.

Senate—For Cuthbert Bullitt: Messrs. Sullivan, Smith—2.

House—Messrs. Baum, Balser, Brown, Benson, Badger, Bisbee, Belden H. C., Belden R. L., Creigh, Collins, Christie, Corley, Danel, Evans, Harnan, Howes, Henratty, Hawkins, Laster, McCann, Miller R. M., Maas, Mace, Marie, Pearson, Robinson, Rotgé, Riggs, Seymour, Smith, Senette, Tully, Walsh—33.

Senate—For E. H. Durell: Messrs. Barrett, Brownlee, Benson, Lara, Montamat, Purcell—6.

House—Mr. Bangs—1.

Smith, 62; Bullitt, 35; Durell, 7.

The Hon. C. Smith was accordingly declared elected.

MR. BAUM—I move we now go into an election for state printer.

Carried

MR. DUANE—I nominate W. R. Fish.

MR. McDONNELL—I nominate Tracy & Fairfax.

Upon the roll being called, the following vote was given:

Senate—For W. R. Fish: Messrs. Barrett, Brownlee, Boyce, Gastinel, Hart, Jones, Kavanagh, Lawton, Montamat, Newell, Nicolas, O'Connell, Purcell, Sullivan—14.

House—Messrs. Bovee, Boulligny, Bofill, Baum, Bense, Badger, Bisbee, Burke, Boudreaux, Bangs, Breckenridge, Buckley, Creigh, Collins, Christie, Chamberlain, Duane, Decker, Dejean, Egan, Evans, Foley, Gannon, Galligar, Harnan, Howes, Henratty, Hawkins, Hawthorne, Ingram, Kavanagh, Kamper, Lester, Lewis, Miller W. D., Miller R. M., Meeks, Maas, Marie, Nephler, O'Conner, Poynot, Robinson, Riggs, Spellicy, Schillang, Seymour, St. Martin, Shaw, Senette, Walsh, Waters, Wood, Woodward—54.

Senate—For Tracy & Fairfax: Messrs. Bell, Brown, Benson, Griffith, Lara, Mithoff, Smith, Springer, Watson, Wright, Wood—12.

House—Messrs. Balser, Brown, Bernard, Belden H. C., Belden R. L., Cook, Corley, Danel, Ennis, Griffith, Haberin, Kleas, Laster, Laloire, McCann, McDonnell, McGuire, Michel, Mace, Pearson, Rotgé, Smith, Tully, Todd, Wheeler—25.

Fish, 68; Tracy & Fairfax, 36—104.

Mr. Fish was declared duly elected official printer.

MR. MICHEL—I move that a committee of three be appointed to wait upon the senators elect, and notify them of their election.

MR. MONTAMAT—I amend, by making the committee composed of three members of the House and two of the Senate.

The amendment was accepted.

THE SPEAKER—I would state, before putting the question, that it is usual to write a notice, to be signed by the lieutenant governor and the speaker of the House of Representatives, which is handed to those gentlemen elected senators.

The motion was carried, and the speaker appointed Messrs. Michel, Christie and Seymour, on the part of the House, and Messrs. Newell and Nicolas, on the part of the Senate.

MR. O'CONNELL—I move that a committee of five be appointed, to wait on Mr. Fish and inform him of his election.

The motion was so amended as to make it a part of the duty of the committee appointed to wait upon Messrs. Cutler and Smith, and the amendment accepted.

MR. EGAN—I move to lay the amendment on the table.

Lost, and the amendment adopted.

THE SPEAKER—The senators will please retire to the Senate chamber.

The members of the Senate having withdrawn, the speaker of the House resumed the chair.

Upon motion of Mr. Baum, the House then adjourned until 12 m., Tuesday.

TUESDAY, October 11, 1864.

The House met pursuant to adjournment at 12 m., and the roll being called, 72 members responded.

The minutes were read and adopted without amendment.

THE SPEAKER—I would state that in regard to the matter of standing committees, I endeavored to have them appointed this morning; but finding the work arduous, I have been unable to do so. I will report them on the morrow.

MR. MICHEL—The committee appointed to notify the U. S. senators and Mr. Fish of their election, have done so, and ask to be discharged.

Report received and committee discharged.

MR. BAUM—As chairman of the committee, I beg leave to report the following:

An act to provide for the payment of the members, officers and contingent expenses of the General Assembly.

Be it enacted by the Senate and House of Representatives of the State of Louisiana. That the sum of one hundred thousand dollars be, and the same is hereby appropriated for the purpose of paying the members of the Senate and House of Representatives of the State the *per diem* and mileage to which they are respectively entitled, to pay the officers of the Senate and House of Representatives, and pay the contingent expenses of the Senate and House of Representatives, the same to be paid by the treasurer on the warrant of the auditor of public accounts, according to law.

MR. FOLEY—I move the rules be suspended and the bill put on its second reading.

Motion carried.

MR. FOLEY—I move the bill be referred to the Finance Committee, when appointed.

Carried.

MR. FOLEY—I give notice that at some future day I intend to introduce the following bills :

“An act to regulate the *per diem* and hours of labor on the public works ;” also, “An act to organize the police force of New Orleans.”

MR. SEYMOUR—I offer the following :

Whereas, A. P. Marlonneaux, member elect to this House from the parish of Iberville, has failed to attend since the commencement of the session ; therefore,

Be it resolved, That a committee of three be appointed by the speaker of this House, to inquire into the absence of the gentleman, and to report as early as possible.

MR. BAUM—I offer the following :

Whereas, A. P. Marlonneaux, the representative elect from the parish of Iberville, has, before the meeting of the General Assembly, published a card in one of the city papers, stating that he would not serve as a member of this House, and whereas he has since that time absented himself from this body ; be it therefore

Resolved, That the seat of A. P. Marlonneaux, representative elect from the parish of Iberville, be and the same is hereby declared vacant.

Be it further resolved, That the governor be respectfully requested to order an election to fill said vacancy.

MR. SEYMOUR—I do not accept the substitute, inasmuch as I do not believe in a man having his head cut off without being allowed a hearing.

MR. BAUM—I will read the gentleman's card, which I have referred to :

A CARD.—I have just been informed that on Monday last a Mr. Marino was elected to the Legislature in the parish of Iberville. My friends inform me that I am the person intended to be thus honored. I have to say to the public, therefore, that my name, if used in the above connection, was used without my knowledge, authorization or consent, and in my absence from my home. I never was and never expect to be a candidate for Legislative honors.

A. P. MARLONNEAUX.

MR. KAVANAGH—I move the substitute be laid on the table.

Motion lost.

MR. FOLEY—I move that the further consideration of the matter be postponed until to-morrow.

Motion tabled.

MR. SEYMOUR—I hope the substitute will not be carried, as we do not know whether the “ card ” is genuine or not.

A motion to lay on the table Mr. Foley’s motion, was carried on a division call—yeas 33, nays 21.

MR. FOLEY—I wish to know whether we can merely, by one reading of a resolution, declare a gentleman’s seat vacant. I think it must pass three readings before it can become a law, and therefore I wish the subject postponed until to-morrow.

MR. SEYMOUR—The gentleman is perfectly correct in his views, and for the same reasons I offered my resolution.

MR. BAUM—I do not think any of the gentlemen are correct. A gentleman comes out and states publicly that he will not serve in the legislative department. What more do gentlemen want? Witnesses to prove it? I think the gentleman out of order, as the speaker has decided the question.

MR. SEYMOUR—I think the “ card ” is just no evidence at all, as when I was elected “ cards ” of two gentlemen were published, which were unauthorized.

MR. CHRISTIE—I would like to say a word. I think it is very unfair for the members of this House to pass such judgment upon a member, whose return has been properly made to the House. I do not think, sir, that the N. O. Picayune is evidence sufficient to decide upon the gentleman’s position. It is my opinion that a committee should be appointed.

MR. POYNOT—This is out of order.

MR. CHRISTIE—So it is, but an important matter, it should be discussed.

THE SPEAKER—As the matter is of importance, perhaps some member would like to reconsider the vote adopting the substitute. However, I will entertain any expression of opinion emanating from the members, though strictly speaking, they may not be in order.

MR. HOWES—I move for a reconsideration.

MR. BOFILL—I would like to know if the gentleman voted in the majority?

MR. HOWES—I did not vote at all.

MR. FOLEY—If the speaker will refer to rule 32, he will find that this is all out of order.

THE SPEAKER—The motion to reconsider is in order.

MR. FOLEY—The rules have not been suspended for the purpose of entering upon this business.

MR. POYNOT—I move that the rules be suspended for its adoption.

MR. BADGER—I move that it be laid on the table.

Motion lost, on division called—ayes 17, nays 31.

MR. HARNAN—I move the rules be suspended.

Motion lost.

MR. BAUM—I wish to give notice that I have a bill to offer entitled “An act to provide for the relief of sureties in civil cases.”

MR. O’CONNOR—I move a suspension of the rules to put the bill on its second reading.

Lost.

The doorkeeper announced a message from the Senate, and the clerk submitted the following resolution, as adopted by that body :

Be it resolved, By the Senate, and the House of Representatives concurring, of the State of Louisiana, in full assembly convened, that the Senate appoint a special committee of seven, and the House of Representatives a committee of—members, to revise the City Charter.

The Senate appointed Messrs. Gastinel, Montamat, Boyce, Griffith, O’Connell, Sullivan, Kavanagh.

MR. BAUM—I move that the blank be filled by “ten.”

Carried.

MR. BAUM—I move a suspension of the rules to put it on its second reading.

MR. FOLEY—I understand, in the controller’s office they have a City Charter, already written out, and do not wish the Legislature to meddle with it.

MR. LASTER—I deny it. I vote to table the motion to suspend.

The motion to table was lost, and the original motion carried ; after which the resolution was adopted.

On motion of Mr. Baum, the rules were suspended and the resolution adopted on its final reading.

MR. BAUM—I now move that the committee be appointed, and the Senate informed of the same.

The speaker appointed Messrs. Baum, Christie, Seymour, Shaw, Foley, Laloire, Riggs, Cook, Lewis, R. M. Miller.

MR. BISSEZ—I offer the following resolution :

Resolved, That the speaker of the House appoint a committee of three, who shall report to this House the most feasible plan of disposing of the uncurrent funds now in the State treasury.

On motion of Mr. Baum, the resolution was laid on the table.

MR. MICHEL—I wish to give notice that I shall offer “An act relating to criminal fees in the parish of Jefferson ; also, “An act to extend the power of constables in the parish of Jefferson.”

MR. BAUM gave notice that he should offer a bill, entitled “An act relative to the justices of the peace in the parish of Orleans.”

On motion of Mr. Baum, the House then adjourned until to-morrow at 12 M.

WEDNESDAY, October 12, 1864.

The House met pursuant to adjournment, at 12 M., and to roll-call, seventy-four gentlemen answered.

The minutes were adopted as read.

MR. BOFILL—I call for the resolutions offered on yesterday, and the substitute thereto, relative to Mr. Marionneaux.

Both were read by the secretary.

MR. BOFILL—I move the adoption of the substitute.

Motion carried.

Mr. Michel's bills, entitled "An act relative to criminal fees in the parish of Jefferson;" also, "An act to extend the powers of constables in the parish of Jefferson," were read for the first time.

THE SPEAKER—I will announce the appointments of Standing Committees:

Committee on Elections—W. H. Waters, chairman; Thos. Ingram, Geo. E. Bovee, Louis Balser, A. Hawthorne, L. D. Corley, J. M. Hawkins.

Committee on Claims—Judge J. T. Michel, chairman; Terrance Cook, E. Bouligny, T. F. Kavanagh, R. McDonnell, Young Burke, T. Boudreaux, John S. Tully, C. G. Breckenridge.

Committee on Finance—T. U. Laster, chairman, J. G. Baum, R. M. Miller, John Foley, D. W. Shaw, S. W. Lewis, D. Evans.

Committee on Judiciary—J. Dejean, chairman; J. T. Michel, W. H. Seymour, W. A. Riggs, H. C. Belden, T. J. Decker, O. H. Poynot, D. Christie, S. M. Todd.

Committee on Ways and Means—T. F. Kavanagh, chairman; W. D. Miller, R. M. Miller, J. A. Spellicy, E. Galligar, H. C. Belden, F. G. Chamberlain.

Committee on Militia—T. Cook, chairman; J. Duane, H. Bensei, Jr., T. F. McGuire, Young Burke.

Committee on Internal Improvements—S. M. Todd, chairman; B. Robinson, W. H. Waters, H. G. Pearson, Jr., P. E. R. Smith, R. L. Belden, J. F. Van Tromp.

Committee on Banks and Banking—D. Christie, chairman; T. U. Laster, W. R. Meeks, L. E. Laloire, P. E. R. Smith, H. G. Pearson, Jr., T. Cook, R. M. Miller, W. D. Miller.

Committee on Public Education—T. J. Decker, chairman; M. Senette, W. M. Prescott, R. L. Brooks, D. W. F. Bisbee, H. Maas, J. S. Badger.

Committee on Revival and Unfinished Business—F. G. Chamberlain, chairman; J. Duane, J. Kleas, F. Henratty, J. McCann.

Committee on Enrollment—L. E. Laloire, chairman; W. H. Seymour, W. A. Riggs, Geo. Bovee, L. Bernard, R. M. Miller, F. G. Chamberlain.

Committee on Commerce and Manufactures—J. V. Bofill, chairman; P. Creigh, R. Gannon, T. J. Lester, J. Haberland, T. Wheeler, J. Dejean.

Committee on Public Printing—W. D. Miller, chairman; P. E. R. Smith, J. Schillang, P. Harnan, P. K. O'Conner, W. R. Meeks, R. L. Belden.

Committee on Parochial Affairs—S. W. Lewis, chairman; E. Galligar, James Walsh, Geo. Howes, D. Evans.

Committee on Penitentiary—O. H. Poynot, chairman; H. Brown, D. W. Shaw.

Committee on Federal Relations—W. H. Seymour, chairman; W. A. Riggs, H. C. Belden.

Committee on Public Lands and Levees—John Foley, chairman; V. Danel, G. W. Bangs, John S. Tully, J. D. Kamper, H. Bensei, M. Egan, B. Collins, James Buckley, J. T. Woodward, C. St. Martin.

Committee on Charitable and Public Institutions—Geo. E. Bovee, chairman; M. Senette, John Ennis, John Rotgé, F. Marie, L. Balser, B. Robinson.

Committee on State Library—W. R. Meeks, chairman ; H. C. Belden, P. E. R. Smith.

Committee on Auditing and Supervising the Affairs of the House—J. G. Baum, chairman ; J. V. Bofill, F. A. Nephler, John T. Wood, J. Foley.

MR. FOLEY—I would like to be excused from serving on the Committee on Public Lands, as I know nothing of the matter.

THE SPEAKER—That is a very important committee, and I appointed the gentleman because of his well-known intimate acquaintance with committee business.

MR. LASTER—I move the gentleman be excused.

MR. BOFILL—No gentleman has a right to be excused.

MR. SEYMOUR—I offer the following substitute for a motion made on last week :

Resolved, That the state printer be authorized to print one hundred and fifty copies of the rules of order, together with the names of the members and the parishes they represent, together with the various chairmen and members of the standing committees.

MR. BAUM—I amend to two hundred copies.

Amendment accepted and substitute adopted.

MR. VAN TROMP—I understand that articles 101 and 123 of the constitution have been infringed, and therefore offer a resolution on the subject.

THE SPEAKER—It cannot come before the House until to-morrow.

MR. HOWES—I move for a suspension of the rules in order to put the resolution on first reading.

Motion lost.

The report of the secretary of state upon the State library, was announced by the speaker, and distributed without being first read.

MR. BAUM—I move it be referred to Committee on State library.

Carried.

Mr. Foley's bills, entitled "An act regulating the *per diem* and hours of labor of employes on the public works," "An act to organize the police force of New Orleans," were read for the first time.

MR. BAUM—I wish to withdraw my bill on sureties, presented on yesterday, as I have some amendments to make to it.

Mr. Baum's bill, entitled "An act relative to the justices of the peace for the parish of Orleans," was read for the first time.

Mr. Harnan gave notice that he should, on Wednesday next, introduce a bill for the equalizing taxation on real and personal property in the State and city of New Orleans, also, on all professions, callings, trades and professions and classes of business not provided for in the notice.

MR. BOUDREAUX—I beg leave to present the memorial of Mr. Flynn, setting forth that he is duly elected to this House, from the Fourth District, and that Mr. W. D. Miller, who received the highest number of votes in opposition to

him, is, on account of holding the civil office of lieutenant of police, ineligible to a seat here, under article 123 of the constitution.

On motion of Mr. Baum, the memorial was laid on the table.

Mr. Chamberlain gave notice that he should introduce a bill to provide for the amendment of title 1 of the constitution of Louisiana.

Mr. Baum gave notice that he should offer "An act to amend article 330 of the Civil Code."

MR. EGAN—I move we adjourn.

THE SPEAKER—Before the motion to adjourn is put, I wish to state that I have a communication from Mr. Bullitt, addressed to the speaker and members of the House, requesting the use of the hall for the meetings of the Lincoln Club, of which he is president.

MR. FOLEY—I move that the permission be given.

Carried.

The House then adjourned until 12 m., Thursday, October 13th.

THURSDAY, October 13, 1864.

The House met pursuant to adjournment, when 69 members responded to their names :

MR. FOLEY—I move a suspension of the rules, in order to reconsider the vote referring the matter of appropriation for *per diem*, &c., to the Finance Committee, inasmuch as I understand that there is no necessity for its going into their hands.

The speaker submitted the report of the committee, recommending the bill appropriating one hundred and fifty thousand dollars to defray the expenses of the session.

Rules suspended—bill passed to its third reading, adopted, and sent to the Senate for concurrence.

The speaker announced the report of the state auditor.

Mr. Baum's motion to print one hundred and fifty copies was carried.

Mr. Van Tromp called up his resolution of yesterday, which was read.

Mr. Bovee's motion to reject was carried.

On motion of Mr. Foley, the rules were suspended, in order to proceed to the order of the day. Yeas 54, nays 14.

Mr. Michel's bills, entitled "An act relative to criminal fees in the parish of Jefferson," "An act to extend the powers of constables in the parish of Jefferson," were read for the second time, and, on motion of Mr. Chamberlain, referred to the Committee on Judiciary, under rule 48.

Mr. Foley's bills, entitled "An act regulating the *per diem* and hours of labor of employes on the public works," "An act to organize the police force of New Orleans," were read for the second time, the latter being referred to the Committee on City Charter, with request to report as early as possible.

One hundred copies of the same were ordered, on motion of Mr. Burke (amendatory of Mr. Harnan's motion of one hundred and fifty copies) to be printed.

The first bill was referred to the Committee on Public Lands and Levees, on motion of Mr. Chamberlain.

The bill entitled "An act relative to the justices of the peace for the parish of Orleans," was read for the second time.

Mr. Laloire moved to refer the bill to the Judiciary Committee.

Mr. SEYMOUR—Mr. Speaker: I am opposed, in toto, to that part of the bill which my learned friend (Mr. Baum) has introduced, concerning justices of the peace in this parish. It is, Mr. Speaker, *de facto*, nothing but a copy and extract of the Revised Statutes of Louisiana, of 1852, page 300, which will be easily seen at the first glance. The whole bill, Mr. Speaker, is, in my humble opinion, premature, for the following reasons:

In the first place, a committee has been appointed by this House to frame a new charter for the city of New Orleans. It may seem proper to that committee either to increase or diminish the justices of the peace in this city; in that case, the bill would have to be amended or altered, or the whole matter commenced *de novo* before this House.

In the second place, Mr. Speaker, we have yet to receive the report of the Committee on Judiciary, which will probably act on the suggestion of our learned friend, the attorney general of the State, and prescribe more clearly the exact jurisdiction and powers of justices of the peace, or, in other words, of committing magistrates. Should they adopt new sections or articles in relation thereto, again would it come in contact with this resolution on the subject.

Again, Mr. Speaker, my colleague and myself are preparing, for introduction in this House, either during this session or in that of January next, a bill to increase our share of the parish of Orleans on the right bank of the river, which is even now three times larger than the city of New Orleans; a bill which will incorporate our town, and require, as a necessity, more than one justice of the peace to transact its affairs. When this bill has passed, again would we have to modify the resolution of the gentleman.

For these reasons, Mr. Speaker, I am opposed to the whole bill. We have plenty of time before us for legislation. "Rome was not built in a day," and there is no need of our rushing through with bills in such a hurry, as the honorable gentleman would seem to desire. Now, Mr. Speaker, in order to end the whole matter, I move to lay the bill on the table indefinitely.

The bill was referred to the Committee on Judiciary.

The doorkeeper announced a message from the Senate, and the clerk stated that the Senate had passed the bill entitled "An act to authorize the corporation of New Orleans to build a bridge on Canal Carondelet, opposite Galvez street," upon its third reading.

MR. HARNAN—I move it be referred to the Committee on Internal Improvements.

MR. FOLEY—As an amendment, I move the rules be suspended and the bill put upon its second reading. The Senate has passed the bill, and there is no need of referring it to a committee.

On motion of Mr. Meeks, the amendment was tabled, and the motion to refer, carried.

The bill entitled "An act to amend article 330 of the Civil Code of the State of Louisiana," was taken up and passed on its first reading.

The bill entitled "An act to amend title first of the constitution of Louisiana," came up on its first reading.

MR. FOLEY—Does the gentleman intend it as an amendment, or a legal enactment?

MR. CHAMBERLAIN—It is to amend title first of the constitution.

MR. SEYMOUR—This cannot be done. Any amendments to the constitution must be referred to the people.

MR. CHAMBERLAIN—Amendments can be proposed by the Legislature and then referred to the people.

MR. FOLEY—I move the subject be postponed and made the order of the day for Monday next.

Carried by a rising vote of yeas 35, nays 26.

Mr. Baum gave notice of his intention to re-submit his bill in regard to the relief of sureties, withdrawn for further amendment.

Mr. Christie gave notice that he would introduce a bill entitled "A lien law for mechanics and other workmen in the State of Louisiana."

On motion, the House then adjourned until 12 m., Thursday.

FRIDAY, October 14, 1864.

The House met pursuant to adjournment, and on roll call, 74 gentlemen answered to their names.

The minutes were adopted as read.

Mr. Laloire presented the report of the Committee on Enrollment, setting forth the appointment of clerks.

On motion of Mr. Michel, the report was received, and the clerks sworn in.

The chairman of the Committee on Ways and Means presented their report relative to the appointment of clerks.

The report was received and adopted.

Mr. Michel, chairman of the Committee on Claims, reported verbally, that Mr. Morgan Kennedy had been appointed clerk of the same.

The report was adopted.

Mr. Foley, chairman of the Committee on Fixing the *per diem* of Officers and Employés of the General Assembly, submitted its report.

Mr. Cook's motion to adopt the report was lost.

MR. SEYMOUR—I object to the report, because it only allows reporters six dollars per day. I will presently send up a written motion on the subject.

MR. HARNAN—I object to it, because some of the officers are paid yearly salaries.

Mr. Harnan gave notice of his intention to offer the following: "An act repealing all laws relative to the election of president and vice-president."

On the respective motions of Messrs. Foley and Baum, the rules were suspended, when it passed the first and second readings; whereupon, it was made the order of the day for to-morrow, at 1 o'clock, and ordered to be engrossed, a motion to refer it to the Committee on Elections being tabled.

Mr. Seymour having reduced his motion to writing and presented it,

Mr. Foley's motion to suspend the rules was carried, whereupon he offered a report on compensation.

A motion to reject was carried—ayes 54, nays 24.

Mr. Seymour's resolution was adopted on first reading, as was the case on the second reading, the rules having been suspended.

On motion of **Mr. Michel**, the rules were suspended to pass the bill to a third reading.

MR. SEYMOUR—I am informed that the Senate accepted the report on compensation, and, therefore, no notice need be given that body, inasmuch as the House can now alone fix the compensation of its officers and employes.

That part of the resolution which made it a joint one, as well as that portion relating to giving notice to the Senate, was stricken out, and, thereupon, it was adopted on the third reading.

The bill amending article 330 of the Civil Code of Louisiana, was adopted on its second reading, and referred to the Committee on Judiciary.

The bill relating to the relief of sureties was also adopted, and referred to the same committee.

Mr. H. C. Belden gave notice of his intention to introduce the following bills:

"An act to abolish the Black Code of the State of Louisiana."

"An act to amend article 155 of the Civil Code of Louisiana."

"An act to abolish chapter 3, of title 6, of the Civil Code of Louisiana."

"An act to abolish article 1462 of the Civil Code of Louisiana."

"An act to amend article 3465 of the Civil Code of Louisiana."

The bill entitled "An act to provide a lien law for the benefit of mechanics and laborers, in the State of Louisiana," came up, and was adopted on its first reading.

Mr. Tully gave notice of the introduction of a bill relative to sureties.

Mr. Dejean gave notice of the introduction of a bill entitled "An act to exclude, from the practice of the law, unqualified persons."

MR. SEYMOUR—I would like to know what disposition has been made of **Mr. Marionneau**, the member from Iberville.

THE SPEAKER—As I understand the resolution, his seat has been declared vacated, and the governor requested to order an election.

MR. SEYMOUR—Has the governor been informed of the passage of the resolution?

THE SPEAKER—The resolution has not yet been enrolled, but will be at once.

The chair appointed on the committee to fix the compensations of the officers and employes of the House, Messrs. Seymour, Laster, Breckenridge, Decker, Meeks, Pearson and Shaw.

Mr. Boudreaux gave notice that he would introduce "An act relative to trade stores."

A motion was made to adjourn.

MR. FOLEY—Before the motion is put, I would ask that the members of the Committee on Public Lands and Levees meet up stairs, after adjournment.

The House then adjourned until 12 M., Monday, October 17th.

MONDAY, October 17, 1864.

The House met pursuant to adjournment, when 79 gentlemen answered to their names.

On motion of Mr. Michel, leave of absence was granted to Mr. Decker, on account of pressing business, the same privilege being granted to Mr. Maas, on the motion of Mr. Pearson, on account of sickness in his family.

The minutes were adopted as read.

Mr. Howes offered a resolution, requiring all employes of the House, except messengers, to produce their "iron-clads" and certificate of registration, which, being amended so as to require production within 24 hours, was adopted.

Mr. Foley presented the report of the Committee on Public Lands and Levees, recommending for adoption the act regulating the *per diem* and hours of labor of employes on the public works.

The report was adopted.

The Committee on Ways and Means reported the appointment of two more clerks.

MR. FOLEY—I do not think any committee ought to have more than one clerk, except the Committee on Judiciary, and therefore think a resolution should be passed, prohibiting any committee, with that exception, to appoint more than one clerk. In accordance with this, I amend the report to "one clerk."

Mr. H. C. Belden's motion to table this was carried—ayes 36, nays 33, on division called.

Mr. Chamberlain's motion to adopt the report was lost, on division called—ayes 22, nays 38.

The report of the Committee on Internal Improvements announced the appointment of a clerk, and asked for a suitable committee room.

MR. DEJEAN—I move the request be granted and the report adopted.
Carried.

The report of the Committee on Judiciary, to the same effect, was read, and a similar disposition made of it.

The chairman of the Special Committee on Compensation of Officers and Employés of the House, submitted their report.

Mr. Baum's motion to table was lost, on division called—ayes 27, nays 37.

Mr. Foley moved to take up the report, *seriatim*, for adoption or rejection.

Mr. Seymour's motion to table was lost, division being called—ayes 27, nays 30.

No objection was made to the speaker's compensation, but when that of chief clerk was read, many amendments were made and disposed of by a motion to lay on the table.

MR. FOLEY—If gentlemen will consult the Revised Statutes of 1855 they will find that this salary is now fixed by law. We cannot go behind that law, by resolution, which fixes it at twelve hundred dollars per annum, but must first repeal it. When the Assembly adjourns, the clerk is responsible for the records, and the enrolling clerks must be attended to until their duties are completed. The sergeant-at-arms is also responsible for all property of the hall during the intervals of session; therefore, I think that these two officers should be paid by the year.

Upon motion of Mr. Baum, the secretary read the law in question, (Revised Statutes of 1855, page 231, section 5,) when the speaker called Mr. Michel to the chair.

THE SPEAKER—The laws of 1855 fix conclusively the salaries of several of the officers who were included in the resolution that first came before the House, and in the report of the select committee. I would respectfully state, that, as far as any action has been taken, it has been marked with every feature of illegality. Before any legal action can be taken in relation to the salaries of those officers which have been fixed by the law of 1855, there must, by joint session, be a repeal of that law and the adoption of a new one. The Senate has itself violated the act of 1855, in fixing the salary of sergeant-at-arms, for not the Senate or House alone, but both bodies must first abolish the existing act, which is as potent as if enacted by ourselves, and until that is done, the salaries of enumerated officers must remain as already laid down.

MR. MEES—I very generally concur in the remarks of the gentleman who has just spoken, and offered the same argument to the committee, of which I was a member, but my opinion was overruled. I think that if the matter is referred back to the committee, it would report in such a manner as to convince every one of the justness of having adopted such a measure.

MR. SEYMOUR—I contend that the extracts from the Revised Statutes are no law, for the constitution under which they were framed no longer exists. If any body believes for an instant that such is not the fact, let him try to enforce the provisions of the "black code," and he will be satisfied.

MR. FOLEY—If the gentleman will refer to article 149 of the present constitution, he will find that his views are incorrect. "All rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this constitution, and not inconsistent therewith, shall continue as if the same had not been adopted."

If he will show me where this law conflicts with the constitution, I will acknowledge the force of his argument.

MR. HARNAN—I move it be referred back to the committee for further consideration.

Carried.

MR. SEYMOUR—I would ask to be excused from serving on the committee. The gentleman was excused.

MR. BELDEN resumed the chair.

On motion of **MR. BAUM**, another member was appointed to fill the vacancy on the committee.

MR. LALOIRE—I move the appropriation bill be sent to the Senate for the signature of the president.

Carried.

Notice was given of the introduction of the following bills :

By **MR. FOLEY** : "An act to provide for the licensing of gambling houses, and the suppression of unlicensed gambling houses."

By **MR. PEARSON** : "An act authorizing the corporation of New Orleans to build a good and substantial foot bridge on New Basin Canal, at the intersection of Liberty street."

By **MR. BOULIGNY** : "An act to create six sheriffs for the parish of Orleans, and define their duties."

By **MR. GALLIGAR** : "An act to remove the restrictions on the hours of closing coffee houses in the city of New Orleans."

By **MR. TODD** : "An act to tax the gross earnings of certain corporate bodies herein specified."

"An act for the re-organization of the militia of the State of Louisiana."

By **MR. BRECKENRIDGE** : "An act to provide for the re-establishment of public schools throughout the State of Louisiana."

MR. CHRISTIE—I move the clerk of the various committees present to the speaker their iron-clad oaths immediately, or within three days.

MR. FOLEY—I amend to within twenty-four hours.

Amendment accepted, and motion carried.

A message from the Senate was received, announcing the signing of the appropriation bill by the president.

MR. LALOIRE—I move a leave of absence for the day be granted to the speaker of this House, on account of illness in his family.

The motion was carried, and Mr. Michel called to the chair.

MR. CHAMBERLAIN's bill entitled "An act to amend title first of the constitution of Louisiana," came up on its second reading.

MR. FOLEY—I move the article be repealed.

MR. CHAMBERLAIN—The bill was made the order of the day, and I claim the right to open the debate, and I believe the motion is out of order.

There is a general impression that seems to prevail in the minds of many, that the resolution contemplates changing or modifying the articles already existing in title first. No such change is proposed, but the bill provides an additional article. Title first contains two articles, which are as follows :

ARTICLE 1. Slavery, and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout the State.

ART. 2. The Legislature shall make no law recognizing the right of property in man.

My bill proposes a third article, reading as follows :

ART. 3. The Legislature shall make no appropriation of money for the purpose of remunerating slave-owners for slaves emancipated by the foregoing articles.

I believe that article is necessary to complete the title ; for, by it, all action on the part of this, or any future Legislature, is prohibited, so far as granting compensation to slave-owners is concerned. There is a proposition to introduce in the Congress of the United States a bill having this object, and if any remuneration is granted at all, which I am utterly opposed to, it should be done by the general government, and thus avoid imposing an enormous tax on the people of this State, who have already suffered so severely during the war.

THE SPEAKER *pro tem.*—This is the second reading of the bill, and it is subject to be referred to a committee, engrossed, or rejected, and at present is not debatable.

MR. FOLEY—I have made a motion to report the title of the bill.

The motion was carried.

MR. HARNAN's bill, relative to presidential electors, was read.

MR. FOLEY—I move the bill be engrossed for its third reading.

Carried.

MR. HARNAN—I move a suspension of the rules to take up the bill.

Lost.

MR. FOLEY—I move that my bill regulating the *per diem* and hours of laborers on public works be engrossed for its third reading.

Carried.

The bill entitled "An act to provide a lien law for the benefit of mechan-

ics, laborers, and other workmen in the State of Louisiana," was referred to the Committee on the Judiciary.

THE SPEAKER *pro tem*.—A communication has been received from friends of Mr. T. J. Durant, requesting the use of this hall on Wednesday evening next.

MR. HARNAN—I move the request be granted.

MR. CHRISTIE—I hope the hall will not be granted for such a purpose. I was sorry the House consented, on a similar application from the Lincoln Club, and I oppose such action now, especially when I find that the call emanates from the customhouse of New Orleans. I hope that this House hereafter will be kept intact for the uses to which it has been applied, and that no political clubs will be allowed here.

A motion to reject the petition was lost.

The motion to grant the desired permission was thus carried: Yeas 42, nays 28.

On motion, the House then adjourned until 12 m. on Tuesday.

TUESDAY, October 18, 1864.

The House met pursuant to adjournment, when 65 gentlemen answered to roll-call.

The minutes were adopted as read.

Under the resolution of yesterday, the clerks of the various committees were called upon to produce their "iron-clad" oath, and certificate of registration, but as some of them failed so to do, Mr. Howes offered a resolution that a committee of three be appointed to ascertain who of the clerks were voters; which motion Mr. Christie amended, giving to the committee power to discharge all who had not voted in the last two elections. This amendment was, in turn, amended by Mr. Todd, who added, "except minors," when all of the amendments having been accepted by the proper parties, Mr. Howes' motion was carried.

Mr. Foley's motion to reconsider the vote adopting the report of the Enrollment Committee, on the ground that such committee had unnecessarily appointed a translator, was, upon motion of Mr. Laloiere, tabled.

Mr. Lewis introduced a resolution providing that no moneys appropriated, or to be appropriated to the General Assembly, shall be expended for liquors for members of said General Assembly.

MR. FOLEY—We must proceed legally, and therefore I move to strike out "General Assembly" and insert "House."

Amendment accepted, as was Mr. Waters'—to include cigars.

MR. CHAMBERLAIN—I think the original resolution was correct, inasmuch as no appropriation can originate elsewhere than in the House.

Mr. Foley—Liquor bills would come out of the appropriation for contingent expenses.

Mr. Bisbee's motion to table the whole matter was lost.

The original resolution was carried. Yeas 55, nays 20.

Mr. Todd presented a resolution directing that each session of the House be opened with prayer.

Motion to table lost. Yeas 32, nays 42.

The rules were suspended to allow **Mr. Poynot** to vote on this question.

Mr. Foley's amendment, to add, "the officiating clergymen shall receive no compensation," was tabled.

The resolution was then lost.

Mr. Galligar offered a resolution, providing, that after the 20th inst. the Hall of Representatives be used only for its legitimate purposes.

The resolution was adopted; **Mr. Howes'** motion to reconsider this vote being tabled.

The reports of the various banks of the city and State, submitted by the state treasurer, were received, and referred to the Committee on Banks and Banking.

The report of the Superintendent of Public Education was received, whereupon **Mr. Chamberlain** moved it be adopted and one thousand copies be printed.

Mr. Baum's amendment to "five hundred copies" was carried, and thereupon the original motion was carried, as amended.

Mr. Michel : "An act to provide a homestead for the widows and children of deceased persons." Also, "An act better to provide for the collection of licenses."

Mr. Chamberlain : "An act to provide for the relief of destitute families of Louisiana soldiers."

Mr. Bensei, Jr. : "A bill for the relief of families of soldiers that have, or may hereafter volunteer, from the State of Louisiana, in the United States army."

Mr. Bangs : A bill on Wednesday, the 19th inst., in relation to a contemplated railroad between Thibodaux and Houma.

Mr. H. C. Belden : "A bill to suspend the collection of the State taxes, except the taxes on trades, professions and occupations, for 1861, 1862 and 1863, in the parishes of Terrebonne and Lafourche."

Mr. Christie : "A bill entitled 'An act reorganizing and establishing a system of schools for the State of Louisiana.'"

The bill to regulate the *per diem* and hours of labor of laborers upon the public works, came up for consideration, and was unanimously adopted upon its third reading, whereupon it was ordered to be sent to the Senate for concurrence.

Mr. Harnan's bill, relative to presidential electors, was passed on its third reading, and sent to the Senate for concurrence.

The yeas and nays on this question were called, resulting in the adoption of the bill—yeas 67, nays 6.

Mr. Tully's bill entitled "An act relative to the sureties on judicial bonds," was put upon its first reading and adopted.

Mr. Foley's bill, relative to "providing for the licensing of gambling houses, and the suppression of unlicensed ones," was taken up.

Mr. Meeks moved the rejection of the bill.

MR. FOLEY—Mr. Speaker and gentlemen: If you will refer to article 116 of the present constitution, you will find that the Legislature is authorized to license gambling houses and the selling of lottery tickets. The question was debated in the Constitutional Convention for three days, and it was proved to the satisfaction of every member of that body, that such licensing would benefit the community. My friend, sitting here as a sergeant of the police, moves the rejection of my bill, because it closes the doors to the reception, by that body, of black mail, the very thing which I wish to prevent.

I have conversed with many influential men on this subject, who have, to a man, approved of this bill, on the ground that if gambling houses were open, each could at a glance discover if any one intrusted with the conduct of his business frequented such places, and thereupon, by discharging an employé who did so, avert many evils. I simply state this for the information of country members, who may not be aware of the views of mercantile men upon the subject.

MR. MEEKS—Mr. Speaker: I feel it necessary to say something, as I moved the rejection of the bill. It is true, I am at present a member of the police, but I have never received a cent to overlook any crime, and do not think the gentleman is justified in his uncourteous remarks. I believe that every man of the force is equally honest, though I do not know what the gentleman may have done himself, when he held an office in the same body. Since rising from which mean estate, however, he may have become more honest.

If we pass this measure, we legitimize crime, and for this reason, only, I moved its rejection. Though thus opposed to this bill, I desire to have such a one framed as will suppress gambling altogether, and if any gentleman will bring in such a measure, I will both advocate and vote for it.

MR. DEJEAN—Mr. Speaker and gentlemen: Though gambling is certainly an evil, society is in such a state that this, like many other evils, cannot be eradicated; therefore, it becomes our duty, as legislators, to endeavor to mitigate it. [Applause.] I am in favor of this bill, not because I am personally interested, but because I think that the welfare of Louisiana, society at large, and especially of this city, demand it. Gambling is truly a vice. [A voice—"It is a crime."] Call it a crime if you like, but it is one of those

crimes that cannot be eradicated. If humanity was perfect, gambling could be suppressed; but under existing circumstances, that is impossible under our free government and republican institutions. Why not, then, constitute it a source of revenue? Suppose we pass a law to suppress it. Will it do so? I say it will not. But it is our duty to provide such means as will keep it within proper bounds, and at the same time turn into the treasury such profits from it as are possible.

It may seem a trifling matter as to whether gaming houses are kept with open or closed doors, but to my mind it is a very important matter. Why, sir, every respectable citizen of this city, whether engaged in commercial or other business, on seeing a young man in his employment going into one of these places can at once discard him, and that one act will remove many inconveniences to which those men are at present subject.

I think it behoves us as men, as members of society, and this House of Representatives, delegated for the purpose of making such laws as we can for this people and government, to so do as to keep this vice within limits, and make it, at the same time, a source of revenue to the State.

MR. CHAMBERLAIN—Mr. Speaker and gentlemen: The gentleman argues against his own position when he says that every one seen to enter a gambling house, will be branded as unworthy the name of gentleman, and while still sanctioning the licensing of these places will place these licenses so high, as, in effect, to prohibit them altogether. At the same time he makes the keeping of an unlicensed one a penal offence, making the crime to consist in the distinction of licensing or otherwise. Again, while he acknowledges the attending of a gambling house at all, to be criminal, whether it be licensed or not—acknowledges it to be one of the most damnable of crimes—he would license it!

This seems to me a contradiction in terms, and, after our passing, on this morning, the resolution not to incur any expenses for liquors, the passage of this bill will undo all of that, and brand this Assembly with an indelible disgrace. For these reasons I am bitterly opposed to the passage of this bill.

MR. H. C. BELDEN—Mr. Speaker and gentlemen: In order to understand the action proper to be taken on this occasion, we must consult that of other States in our Union. View the acts of the different Legislatures of our sister States and you will find gambling denounced as a crime in every one. They have crushed it with an iron heel; and I cannot believe that there is a man in this House, whether he has a family or no, who is prepared, on this day, to license in our own city of New Orleans, a crime, the most hideous, perhaps, known to civil governments. Think of the many innocent lives that will be taken in these gambling houses—of the horror and bloodshed attending this institution, which saps the very foundation of society. If we, proudly riding in under our Free State charter, adopt this bill, we are

indirectly striking a death blow at society, crushing out christianity and permitting crime and devastation to prowl unpunished among us.

Regarding this affair from my stand point, gentlemen will, by casting their votes to reject this bill, subserve their own good, that of the country and their constituency. I can but think the names of gentlemen who do so will be as proudly transmitted to their children as are those of any of the heroes of the Revolutionary war to the descendents of those noble men.

MR. CHRISTIE—Mr. Speaker: I cannot imagine how such an article as article 116 ever occurred to the minds of the gentlemen in that Convention. It looks as if they desired that this Legislature should take some action to patronize and support gambling. Some of the arguments here made are very futile. If a man goes into a gambling house on the public street, and knows that for doing so he will be discarded by his employer, he will not hesitate to resort to some other means, by which to avoid scrutiny and discovery. It is a poor argument, that this bill will deprive the practice of its dangers to society. I hold gambling to be one of the most detestable vices that can be found, and I would stop it, by imposing the restrictions that all other States have imposed upon gambling hells. I do not desire to be made a participator in legislating for the licensing of such an institution, as we shall become full participators in the crime by so doing.

It is said that a great revenue may be derived from these licenses, but I would derive it indirectly, by an act of the Legislature, by imposing a heavy penalty on the conductors of such establishments, and I think, in that case, it would far exceed in amount that contemplated.

MR. PRESCOTT—Mr. Speaker: I rise to support the bill. While I am as willing as any other member to condemn gambling *per se*, be it understood, it must be remembered that gambling is the great vice of the South and West. Men are universally addicted to it; but it is a *passion* in this section of the country. I never played a game of cards in my life, but that it is the general practice, is beyond controversy. How can we control public opinion? What is the use of passing laws counter to public opinion? No law is of force unless it has the support of public opinion. Let me give an example: I resided at the North when the Maine law was the rage, and swept like a storm over the whole country. But even in Maine the sale was very largely increased; and in Wisconsin, where I was a part of the time, it was at least double. This is shown by statistics that no man can question. Such would be the effect of any law to restrain gambling. If you can convince every man that gambling is immoral and a crime, then you can enforce a law to stop it; but if you pass a law that conflicts with the habits and common sense of the people, you will find that it will become null and void. Every law counter to public opinion is a dead letter.

I consider gambling a crime, and if I knew of any practicable way of putting it down, I would give it my hearty support. The best thing we can do

is to regulate it. Suppose we pass a law for its suppression and make it a crime to keep, or attend a gambling house, the consequence will be that men who are addicted to the passion of gambling will attend at the risk of paying the penalty, and those who keep these places will make such enormous gains that they can well afford to run the same risk. As to the execration of the public, it amounts to nothing, for the majority of the people, excepting, perhaps preachers, are too long accustomed to it and have never looked upon it as a crime.

There are the same stringent regulations in Ohio, and although the vice is not so common at the North as at the South, yet it was carried on secretly there, and at the same time, as extensively as if duly licensed by the Legislature. Not one gambling house will relinquish its occupation by the passage of any prohibitory law, and the only way is, to regulate them until we revolutionize public opinion.

MR. BUCKLEY—The gentleman says the people are not opposed to gambling. I think Slidell and Benjamin, in 1860, gambled the State out of the Union.

MR. HOWES—I am opposed to gambling, but I think this bill proposes the only way to grapple with it. I know of three gambling houses on one block, and I think the only remedy for many evils incident upon them is to impose a heavy license upon their operations.

MR. LEWIS—The gentleman's argument is, that since you cannot suppress, you should license. By all the laws of the world you cannot suppress highway robbery, therefore, according to that argument, you must license.

MR. FOLEY—Mr. Speaker: The Constitutional Convention never contemplated the encouragement of gambling. They considered the matter for some days, and many arguments *pro* and *con* were delivered. They found that this city is a great place for the practice of gambling. There appeared to be no want of laws on the subject, some of which I will read for the benefit of those gentlemen who talk about enacting laws to put the practice down. You will not find a law more stringent in the world than this, and gentlemen can, from hearing it, and being at once informed as to its efficiency, judge as to whether it did not provide the best means of putting the institution down, had such a thing been possible.

Section 96. Whoever shall keep a banking game or banking house, at which money or anything representing money, or any article of value shall be bet, or has aided, or shall aid or assist in keeping one, shall, on conviction for the first offence be fined not less than one thousand, nor more than five thousand dollars; and on conviction of a second offence, not less than five thousand nor more than ten thousand dollars, and be imprisoned at hard labor for not less than one, nor more than five years."—[Revised Statutes.]

If we should sit here for seven years, I do not think we could adopt a more stringent law than that. It is not the fault of the law; it is the fault of those whose duty it is to execute it; and as long as gamblers hold out this species of black mail to those parties, it never will be executed. There-

fore I am in favor of licensing all these gambling houses, because I think it will prevent or decrease the crime of gambling, and instead of fourteen gambling houses, which I know between Union street and Canal street, on St. Charles and Common streets, there will be only three or four, or perhaps one.

These are my reasons for offering the bill. I am as much opposed to gambling as any one, and neither gamble myself nor countenance gambling in any way.

The yeas and nays were called for on the motion to report, and the motion carried: Ayes 38, nays 37.

The speaker announced the appointment of Mr. Baum on the Committee on Compensation of Officers and Employés of the House, vice Mr. Seymour.

On motion the House then adjourned until 12 m. to-morrow, October 19.

WEDNESDAY, October 19, 1864.

The House met pursuant to adjournment, whereupon the roll was called, and 66 gentlemen responded.

The minutes were adopted as read.

MR. HOWES—As chairman of Committee on Qualifications of Employés, I request that the secretary will furnish me a list before 3 p. m., that we may know who answers to that description.

Request tabled—ayes 32, nays 25.

The vote was reconsidered and the request again rejected—ayes 42, nays 21.

The Committee on Compensation of Officers and Employés presented a report and joint resolution, with reference to the subject.

The report of the committee was received, and the rules having been suspended, the joint resolution was read for the first time, when a motion to again suspend the rules and put it on a second reading was lost—ayes 53, nays 26.

The report of the committee was then taken up *seriatim*.

Mr. Foley amended the *per diem* of warrant clerk (\$12) to eight dollars, whereupon Mr. Pearson's motion to table was lost.

Mr. Meeks then amended the last amendment to ten dollars, whereupon Mr. Creigh moved that this be tabled, upon which question the yeas and nays were called—Mr. Lewis objecting.

This last amendment being lost, the first one was then carried.

The *per diem* of chief enrolling clerk was allowed to stand, as fixed by the committee, at eight dollars per day.

The report of the committee, fixing the *per diem* of assistant enrolling clerks at six dollars per day, was adopted, Mr. Foley's amendment to "five" having been tabled on division called—ayes 37, nays 29.

Reporters' *per diem* (eight dollars each) was adopted, Mr. Chamberlain's motion to increase it to ten dollars being tabled.

Postmasters' *per diem*, five dollars, was adopted, Mr. Waters' motion to increase to six dollars being tabled.

The *per diem* of translating clerk (eight dollars) was amended to six dollars, on motion of Mr. Egan, Mr. Foley's motion to strike out altogether being lost.

The *per diem* of assistant sergeant-at-arms was allowed to remain as reported, at six dollars.

The *per diem* of messengers (four dollars) was ratified, as was the report of the committee fixing the *per diem* of doorkeeper, at five dollars, and that of clerks of committees at the same figure.

The report was then adopted as a whole, when Mr. Bofill's motion to reconsider was lost.

The secretary of the Senate presented to the House, for concurrence, "An act abolishing the bureaux of finance" and "streets and landings."

The rules were suspended as required, and the bill finally adopted on the third reading.

The concurrence of the House was requested by the Senate in passing the joint resolution to examine the books of the state treasurer and auditor of public accounts; also, in regard to regulating the mileage of members of the General Assembly.

Mr. Todd moved a reconsideration of the vote of yesterday, rejecting the "gambling bill," which Mr. Meeks moved to table, which the House refused so to do.

The motion for reconsideration was then carried.

Mr. Wood was excused from attendance on account of sickness in his family.

The motion of Mr. Meeks to reject the bill on first reading was ruled out of order, and Mr. Foley's motion to adopt it on first reading was then carried.

A message from the Senate announced its concurrence in the bill repealing all laws relative to the election of presidential electors for president and vice president of the United States.

A message from the governor informed the House that he had signed the bill appropriating one hundred thousand dollars for the payment of the officers, employes and contingent expenses of the General Assembly.

The report of the register of the land office was read and referred to the Committee on Public Lands and Levees.

The report of the state librarian was read and referred to the Committee on Library.

Notices of bills by Mr. Tully: "An act to appropriate bounty money to the First Regiment of New Orleans Volunteers of the State of Louisiana."

By Mr. McDonnell: "An act relative to the duties of notary publics in the

parish and city of New Orleans in passing acts of sale, donation and mortgage."

By Mr. Laloire : " An act for the relief of F. J. Kuhnholz."

The rules being suspended, Mr. Tully offered the following resolution, for election of chaplain for and by the House :

MR. EGAN— I move to lay it on the table.

MR. CHRISTIE—I amend so that every member shall bring his own chaplain.

The yeas and nays were called and the motion to table carried. Yeas 40, nays 38.

On motion the House then adjourned until 12 m. Thursday, October 20th.

THURSDAY, October 20, 1864.

The House met pursuant to adjournment, when 71 members responded to their names.

Mr. Baum offered a resolution empowering committees to judge of the qualifications of their clerks, which should consist of the "iron-clad" and registration certificate. Also, that a committee of three be appointed to ascertain if all other employes of the House possess the same qualifications.

MR. BAUM—Mr. Speaker : This resolution is not offered as a reflection against the special committee of three appointed by the House, but as an act of justice to all the standing committees of the House, as it is to be presumed that they certainly would not have selected any improper or disloyal persons as clerks. Besides, many who have been elected to positions, had not yet acquired the right to vote, for want of residence in this or other parishes, while others reside in parishes occupied by the rebels. I hope, therefore, that the resolution will pass, and allow the committees to proceed with their business, which is now clogged by the several resolutions passed by the House.

Mr. Harnan's motion to table was then put and lost, after which the resolution was adopted.

Mr. Kavanagh presented a resolution directing the sergeant-at-arms to procure a suitable room for the Committee of Ways and Means.

Mr. Foley's amendment, "provided that any other committee may use the room," was accepted, and the resolution thereupon adopted.

Mr. Lester introduced a resolution, that no bills contracted by the House be paid, unless the several items thereof be approved by the House.

Lost—ayes 15, nays 34. Whereupon Mr. Harnan moved a reconsideration, supposing the result to have been the other way, which motion was carried.

The matter having been explained, the speaker put the question again upon the motion to table the resolution, which was finally carried.

Mr. McDonnell presented a resolution, which was ruled out of order, relative to payment of the police, under article 153 of the constitution.

Mr. Spellicy introduced a resolution relative to refreshments for the members of the House.

MR. MICHEL—A resolution was passed yesterday, declaring that no moneys should be appropriated in this way; therefore the resolution was out of order.

MR. SPELLICY—That was in regard to spirituous liquors.

Resolution tabled.

A resolution was offered, discharging the committee on examining qualifications of clerks of the House.

THE SPEAKER—That committee has been retained to examine into the qualifications of clerks not on standing committees; therefore this resolution is out of order.

Mr. Breckenridge moved a reconsideration of the vote of yesterday, in regard to Mr. Tully's resolution relative to chaplains, which motion Mr. Bofill moved to table.

The roll was called, the rules being suspended to allow certain gentlemen to vote who were not within the bar at the putting of the question, and the motion to lay on the table the motion to reconsider, was lost.

The motion of reconsideration was then carried—yeas 40, nays 18.

The resolution of Mr. Tully was then carried—yeas 40, nays 21—the announcement of which was received with loud applause.

The Committee on the Penitentiary announced the appointment of a clerk. Report adopted.

MR. PEARSON—Mr. Speaker, some gentlemen are clerks on five or six different committees; are they to receive pay from all of them?

THE SPEAKER—Certainly not, sir.

Mr. Michel: "An act to change the rear boundary of Second Leveeing and Draining District."

Mr. Pearson: "An act to remove the Second and Third District nuisance wharf."

Mr. Burke: "An act relative to attorneys and counsellors at law."

Mr. Prescott: "An act to protect the property of Union refugees."

"An act to regulate and define the mileage to which members of the General Assembly shall be entitled," was put on its first reading and adopted.

Joint resolution on committee to examine books of state treasurer and auditor of public accounts, was put on its first reading and adopted.

Joint resolution requiring annual reports of the Board of Commissioners of the First, Second and Third Districts for the parishes of Orleans and Jefferson. Rules suspended and put on its first and second reading and adopted.

On motion of Mr. Badger the House adjourned until 12 m. of Friday, the 21st inst.

FRIDAY, October 21, 1864.

The House met pursuant to adjournment, at 12 m., seventy-two members present.

The minutes were read and adopted.

Mr. Dejean offered a resolution, which was adopted, authorizing the sergeant-at-arms to procure a suitable room for the exclusive use of the Committee on Judiciary.

Mr. Foley offered a resolution directing the salaries of clerks of committees to commence from date of appointment.

On motion of Mr. Chamberlain, the resolution was laid on the table—yeas 46, nays 24.

Mr. Tully offered a resolution, which was adopted, directing the rules and orders of the House be referred back to the official printer for correction.

Mr. Foley offered the following resolution :

Be it resolved, That the salaries of the clerks of committees do commence from the date of their appointment.

MR. KAVANAGH—That resolution has just been acted upon, and is therefore out of order.

The chair decided that the resolution was not in order.

MR. FOLEY—I appeal from the decision of the chair.

The yeas and nays were called, and the chair sustained—ayes 66, nays 10.

The clause from the report of the committee on compensation of officers and employes of the House, authorizing them to draw pay from October 3d, [its adoption having been inadvertently omitted at the adoption of the report,] was taken up for consideration.

MR. CHAMBERLAIN—I move the adoption of it.

MR. FOLEY—Mr. Speaker : I am chairman of the Committee on Public Lands and Levees, and we have not yet appointed a clerk, and may not for some time, as there is no business before the committee, and I think it is entirely wrong that such clerks should be paid from the commencement of the session. This is the reason I oppose the adoption of this section.

MR. BURKE—I am a member of two committees, and I believe one of them to-day appointed a clerk. He has done nothing, and would it be right that he should draw his salary from the beginning of the session ?

MR. CHAMBERLAIN—The gentlemen contend that the clerks shall only be paid from the day of their appointment, whether they have had anything to do or not. Now, we all know, that the clerks of the various committees have not had and perhaps many of them will not have anything to do for some time to come ; but those appointed the first week of the session are to receive pay, because they were appointed, though they have done nothing, while others will not, because they were not appointed, though they have done just as much. Even though they have not done the work, it has been accumulating and eventually must all be done by the clerk. I believe the reporters were not appointed until a week or more from the commencement of the session, but the work had to be, and was performed by them, from the first. Others salaries date from the beginning, otherwise they would do the

work for nothing. For the same reason these clerks should receive their salary for the entire time.

Mr. Tully offered the following :

Resolved, That each committee shall have power to decide whether its clerks are to be paid from the date of their appointment, or the beginning of the session.

MR. LEWIS—I move its rejection.

Carried. Yeas 34, nays 25.

MR. FOLEY—I move to amend by adding, "except the clerks of committees, which shall date from their appointment."

Mr. Bovee moved to lay the amendment on the table.

The motion was lost by the following vote—yeas 24, nays 51.

The amendment was carried, and the resolution adopted as amended.

The Committees on Auditing and Supervising the Affairs of the House, Printing, Commerce and Manufactures, and Public Education, reported the appointment of clerks, which reports were adopted.

The Committee on Enrollment announced the appointment of three clerks, which report was laid on the table.

MR. SEYMOUR—These are not additional clerks, but to fill the place of those first appointed, who have been discharged. I therefore move a reconsideration of the motion to table.

The motion to reconsider was lost.

Mr. Kavanagh: "An act to amend an act entitled 'An act to provide for the recording of births and deaths in the parish of Orleans,' approved April 10, 1811.

Mr. Bovee: A bill entitled "An act to abolish jury trial in civil cases."

Mr. Christie: "A bill relative to commissaries of the several markets of New Orleans."

Mr. Baum: "An act relative to the adoption of minors."

Mr. Lewis: "An act to provide for the promulgation, preservation and conduct of the public records, and judicial and legislative written proceedings of the State of Louisiana."

Mr. Bofill: "An act relative to the loan of \$175 to the parishes of Terrebonne and Lafourche."

The joint resolution from the Senate, requiring annual reports from the Board of Commissioners of the First, Second and Third Draining Districts of the parishes of Orleans and Jefferson, was put on its first reading and adopted.

The joint resolution of the committee to examine the books of the state treasurer and auditor of public accounts, was put on its first reading and adopted.

An act from the Senate, "to regulate and define the mileage to which

members of the General Assembly shall be entitled," was, on motion, put on its first reading and adopted.

"An act to create six sheriffs for the parish of Orleans, and define their duties," was rejected on its first reading.

A bill entitled "An act to authorize the city corporation to build a good and substantial foot-bridge across the New Basin Canal, at Liberty street."

"An act to abolish the Black Code of Louisiana," was adopted on its first reading.

"An act to amend article 3465 of the Civil Code of Louisiana," was adopted on its first reading.

"An act to abolish article 1462 of the Civil Code of Louisiana," was withdrawn.

"An act to suspend the collection of certain taxes in the parishes of Terrebonne and Lafourche," was rejected on its first reading.

"An act relative to trade stores" was rejected.

"An act relative to attorneys and counsellors at law," was adopted on its first reading.

"An act to appropriate bounty money to the 1st New Orleans Volunteer Infantry of the State of Louisiana," was adopted on its first reading.

"An act to provide a homestead for the widows and children of deceased persons," was adopted on its first reading.

"An act relative to building railroad from Thibodaux to Houma," was adopted on its first reading.

An act from the Senate "To repeal an act to regulate the jurisdiction of justices of the peace for the Parish of Orleans in certain cases," was adopted on its first reading.

"An act for the relief of F. J. Kuhnholz, for stationery, etc., furnished the late Convention," rejected on its first reading.

"An act to remove the nuisance wharves of the Second and Third Districts;" rejected on its first reading.

On motion, the House adjourned until Monday, October 24, 1864, at 12 m.

MONDAY, October 24, 1864.

The House met pursuant to adjournment, when the Rev. Mr. Strong offered prayer, and the roll being called, seventy members answered thereto; after which, the minutes were adopted as read.

Leave of absence was granted to the speaker, on account of sickness in his family, on motion of Mr. Christie, who was called to the chair.

MR. PRESCOTT—Mr. Speaker and gentlemen: I beg leave to introduce my colleague, Mr. Brooks. He has been absent until this time, on account of sickness, but is now ready to attend to business. He is a loyal Union man, who, like myself, has sacrificed everything but life. He is from

one of the most loyal parishes—has served his country in a military capacity, and has done much for the Union in that way, reflecting honor and credit, both upon himself and his country ; so that I think he will now serve here with profit and honor to this State and House.

The gentleman was received.

MR. BURKE—Mr. Speaker : As I consider myself privileged, according to all parliamentary laws, from being called to account for any action I may choose to take upon this floor, except at the immediate time of such action, I wish to call the attention of the House to the fact that I have been grossly insulted in a public street by a certain clerk of this House, whose appointment I had not advocated. I must, in justice to myself, demand either the dismissal of that man, or a full apology from him.

On motion, carried.

The clerk referred to was allowed to retain his position, on condition of making full and ample apology to the honorable gentleman.

Mr. Foley offered a resolution relative to the manner of providing a chaplain for the House.

MR. CHAMBERLAIN—I think that resolution is not in accordance with the resolution adopted on Thursday last, and, therefore, I move that we now proceed to the election of a chaplain.

MR. FOLEY—I want all denominations to be represented, and, therefore, I move to lay that on the table. The resolution says "immediately ;" therefore, I am in order.

MR. CHAMBERLAIN—I will acknowledge that any action, just now, is out of order, as this comes under the head of unfinished business.

The speaker decided the question in accordance with the views of the last speaker.

MR. FOLEY—I refer you, sir, to article 31 of the Rules and Regulations, and you will find that I appeal from this decision, because it is a wrong one. What business did we have on Friday, that we could not take this up then ?

MR. SEYMOUR—I move that the decision of the chair be sustained.

MR. FOLEY—I call for the yeas and nays.

The chair was sustained on roll-call—yeas 57, nays 13.

Mr. Waters, from the Committee on Claims, announced the appointment of a clerk.

Motion to reject the report.

MR. CREIGH—I call for the yeas and nays, as other committees have been allowed to do this.

The motion to reject was lost—yeas 9, nays 64.

MR. BOVEE—I believe it is customary, in all instances, whenever there is any business, to call a committee together. I am one of this committee, but never received any notice, and didn't know, before, that any clerk had been appointed.

MR. WATERS—There was a majority of members present.

Report adopted.

The Committee on Banks and Banking reported the appointment of a clerk.

The Committee on Judiciary reported favorably on several acts, and announced that their clerks were fully qualified to serve as such.

The reports were adopted.

The committee on the "Act to organize a city police force," reported favorably on the bill, offering some amendments.

Mr. McDonnell gave notice that he would introduce the following bill:

"An act relative to the auditing and payment of the contingent expenses of the General Assembly."

Mr. Egan moved to suspend the rules, to put it on its first reading, when a division was called, resulting, yeas 39, nays 26; whereupon the speaker *pro tem.* declared the motion carried.

MR. KAVANAGH—Four-fifths are required to carry that motion.

MR. FOLEY—No, sir; only two-thirds.

THE SPEAKER *pro tem.*—The last gentleman is right.

MR. MICHEL—On last week, 42 voted to suspend the rules, when the speaker informed us that the motion was not carried, as 48 votes were required.

The secretary began to read the bill.

MR. LEWIS—I appeal from the decision of the chair.

THE SPEAKER *pro tem.*—You should have done so before, but I will put the question.

Result of roll-call: Yeas 26, nays 43. Chair not sustained.

The following members gave notice of their intention to introduce bills:

Mr. Bofill: "An act to authorize and empower the several recorders of the city of New Orleans to appoint certain officers."

"An act to appropriate the sum of ——— dollars for the support and relief of charitable institutions."

"An act to provide for the temporary relief of the treasury of the State."

"An act to amend section ninth of an act entitled 'an act relative to juries in the parish of Orleans,' approved March 15, 1855."

Mr. McDonnell: "An act relative to the auditing and payment of contingent expenses of the General Assembly."

Mr. Tully: "A bill relative to the pay of clerks of courts and recorders in the parishes throughout the State, the parishes of Orleans and Jefferson excepted."

Mr. Bisbee: "An act to incorporate the Louisiana Land Improvement Company."

Mr. Chamberlain: "An act to suppress disloyal private schools in the city of New Orleans."

Bills adopted on the first reading:

"An act to provide for the promulgation, preservation and conduct of public records and judicial and legislative written proceedings of the State of Louisiana."

"An act entitled an act to provide for certain expenses of members elect to Congress."

"An act relative to the adoption of minors."

"An act relative to the loan of \$175 to the parish of Lafourche, and the same amount to the parish of Terrebonne."

"An act to tax the gross receipts of rail, plank and macadamized roads lying wholly or partly in the State of Louisiana."

On motion, the House adjourned until Tuesday, the 25th, at 12 m.

TUESDAY, October 25, 1864.

Seventy-five members answered to roll-call, when prayer was offered, and the minutes adopted as read.

MR. BURKE—I submit the apology of Mr. Kennedy, referred to on yesterday, which I move be read and spread upon the minutes.

The motion was carried.

Mr. Michel offered a resolution requiring the Committee on Internal Improvements to determine whether the Carrollton Railroad has not forfeited its charter.

On motion of Mr. Foley, the City Railroad was included.

Resolution and amendment carried on one motion.

Mr. Burke offered a memorial from M. W. Murphy, praying for relief on account of loss of certain property, situated in New Orleans, which was destroyed by a mob, in the month of May, 1854.

Mr. Baum's motion to table, was lost—yeas 30, nays 34.

MR. MEERS—The city is entirely responsible, but we have nothing to do with this memorial.

MR. FOLEY—I move the matter be referred to the mayor.

MR. SEYMOUR—I second that motion. This affair occurred ten years ago, and the gentleman, though a member of the Convention, did not present his bill, though that body always favored its friends.

MR. BURKE—The Convention could not appropriate money for such purposes, as a legislative act was required. It seems no more than justice that the claim should be examined.

MR. HARNAN—I was an eye witness of the destruction of this man's house, and know that he sent petitions to the Legislature at Baton Rouge, for compensation. The Legislature referred him to the city, as the responsible party. I wish the matter referred to the Committee on Claims, that it may be inquired into and settled.

MR. POYNOR—I object to the bill, upon the ground that the matter does not belong to this department and should be referred to the mayor. The

Convention had a right to, and did appropriate money, so that the memorial could have been presented to that body.

MR. CHRISTIE—Mr. Speaker: I believe that this matter does really belong to the legitimate functions of this House, and I, for one, am in favor of referring it to the Committee on Claims. If it is a just claim, I hold that we have no right to repudiate it. The fact that this disturbance occurred ten years since, is no argument against the payment of any just bill that may be presented to this Legislature. The affair has been before brought forward in Legislatures, and has been referred to the city government, which has not acted upon it. Four years have passed away, during which there has been no Legislature before which this gentleman could present his grievance.

MR. MEEKS—Mr. Speaker: I do not see how a man can prefer a claim against the State, who has been doing business in New Orleans for many years. The corporation should settle the matter, and unless it does, it fails to perform its duty. Certainly the bill should be paid, if it is a just one, but let those pay it who ought. Legislatures existed before the war, to which the gentleman could have submitted his claim, and as for the Convention, it appropriated money to pay electioneering bills, and since the gentleman in question was an influential member of that body, he could have presented it there, and had it been just, recovered.

MR. SEYMOUR—Article 110 of the constitution covers the case: "All courts shall be open, and every person, for any injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without denial or unreasonable delay."

MR. BOUDREAUX—Mr. Speaker: The reason for which I wish this to be referred to the Committee on Claims is, that I do not believe the case is fully understood.

MR. PRESCOTT—Mr. Speaker and gentlemen: I do not conceive that this Legislature has any jurisdiction in the premises, but I do think that the matter is purely local, and that to the local authorities the gentleman should apply.

There are some suspicious circumstances connected with this memorial. Ten years have passed since the act complained of, and at least four Legislatures have met. If they had jurisdiction, why did they not decide upon it? I am not in favor of resurrecting these cases, but say, let them sleep; "*requiescat in pace*." I wish to do impartial justice to all men, but I protest against the introduction of this claim, as I believe, from the slight knowledge of the law which I possess, that we have no jurisdiction over the matter.

The motion to refer to the mayor of New Orleans was carried—yeas 51, nays 16.

Mr. Laloire offered a resolution, appointing a committee of three to determine the distance from the court house of each parish to New Orleans, and

to ascertain the number of days consumed by each member in travelling between these points while going to and returning from the sessions of the House.

MR. FOLEY—I understand the constitutional clause, relative to mileage, to refer to that which is to be paid a member for coming to and at our *sine die* adjournment, going from the sessions of this House. If we pass this resolution, we must, whenever a member obtains leave of absence, as he may two or three times a week, pay his mileage back and forth on each occasion. Then, if the gentleman is four days in coming from and returning to his residence, we must nevertheless pay him for attendance here and for every mile he travels besides!

The resolution was finally adopted—a motion to table it having been lost—after which the speaker appointed Messrs. Todd, Prescott and Meeks, as the committee designated.

The speaker informed the committee that, as the state surveyor had been looking into this matter, the committee would probably receive much assistance by consulting him.

After the reports of the standing and special committees were acted upon, without discussion, Mr. Bofill moved a suspension of the rules, in order to put upon its first reading the bill to provide for the relief of the State treasury, which motion was carried.

On motion of Mr. Foley, the rules were suspended, and the bill put on its second reading.

MR. CHAMBERLAIN—I move it be referred to the Committee on Ways and Means, for the reason that there are a number of amendments necessary to make the bill formal. The Louisiana State Bank has no money and is in debt, and I do not see how it can lend us money.

MR. CHRISTIE—I am not in favor of that bill, in regard to the proposed manner of borrowing money. A majority of the members of this House know that the Louisiana State Bank has not the means to pay its own debts. If the bill had said the National Bank, I should have favored it, and I believe if we can offer proper securities, that bank would make a loan.

MR. BOFILL—I call the attention of members to rule 60 of Rules and Regulations, which says: "All proceedings touching appropriation of money shall be discussed in committee of the whole House, and no appropriation of money shall be made except by bill." I therefore move that the House go into a Committee of the Whole.

Carried.

The speaker called Mr. Bofill to the chair, and the bill was read.

MR. CHAMBERLAIN—I amend by making the rate of interest to be six per cent, or less.

MR. LASTER—I move to lay it on the table.

Carried.

MR. CHRISTIE—I move to strike out the words “Louisiana State Bank” wherever they occur, and insert “any solvent institution.”

The amendment was carried, and the bill adopted as a whole.

MR. FOLEY—I move 100 copies of the bill be printed.

The speaker resumed the chair, and Mr. Bofill, as chairman of the Committee of the Whole, reported favorably on the bill as amended, and it was made the order of the day for Friday next.

MR. CHAMBERLAIN—I move that we proceed to the election of a chaplain, under the resolution already adopted.

MR. FOLEY—I move that resolution be rescinded.

The yeas and nays were called, on a motion to table, and the motion lost—yeas 35, nays 41.

MR. FOLEY—For the information of the House, I wish to state my reasons for offering this resolution. I would like to have preachers come here and pray for us, but I do not desire to go into an election for any one preacher. Let clergymen of all denominations come here by invitation of the speaker, in their turn, and those that wish to come can do so. The resolution I offered yesterday will be found to cover the whole ground.

The motion to rescind was carried, whereupon a resolution was offered by Mr. Foley, covering his intention, as per remarks above.

MR. KAVANAGH—I move to lay it on the table.

The yeas and nays were ordered, and the motion lost—ayes 15, nays 61.

The resolution was then adopted.

The bill in relation to the salary of the sergeant-at-arms was adopted on the second reading, and the rules being suspended, on the third reading the title was also adopted.

Joint resolution from the Senate, on committee to examine the books of the state treasurer and auditor of public accounts, was put on its third reading and concurred in, and a committee of five ordered to be appointed.

Joint resolution from the Senate, requiring annual reports from the Board of Commissioners of the First, Second and Third Draining Districts, parishes of Orleans and Jefferson, was put on its third reading and concurred in.

An act relative to the General Assembly, was put on its second reading, rules suspended and the bill put on its third reading and passed, with the title of the bill.

An act to provide for the licensing of gambling houses, and the suppression of unlicensed gambling houses.

After several amendments had been acted upon, Mr. Christie moved the whole be laid on the table.

MR. FOLEY—I believe that the same motion was made on the first reading of this bill, and carried; then, on reconsideration, the bill was adopted, and now I think that the gentleman is out of order, in making his motion to table.

Mr. Christie's motion was carried—yeas 45, nays 41.

On motion, carried, the House then adjourned to 12 m. on Wednesday, the 26th inst.

WEDNESDAY, October 26, 1864.

The House met pursuant to adjournment at 12 m. Sixty-two members present.

The Rev. Mr. Strong opened the proceedings with prayer.

The chair appointed Messrs. Duane, Waters, Harnan, Breckenridge and Corley on the committee under a joint resolution for the purpose of examining the books of the state treasurer and auditor of public accounts.

Mr. Laster moved to reconsider the vote tabling the "gambling bill" on yesterday.

The motion to reconsider was carried by the following vote :

YEAS—Messrs. Bofill, Baum, Balser, Buckley, Brown, Badger, Bernard, Bangs, Breckenridge, Belden H. C., Belden R. L., Cook, Creigh, Collins, Christie, Egan, Ennis, Foley, Gannon, Griffith, Harnan, Howes, Haberland, Henratty, Hawkins, Hawthorne, Ingram, Kleas, Laster, Lester, Lewis, McCann, McDonnell, McGuire, Maas, Michel, Mace, Nephler, O'Conner, Pearson, Prescott, Robinson, Spellicy, Schillang, Shaw, Smith, Van Tromp, Walsh, Waters, Wheeler—50.

NAYS—Messrs. Bovee, Bisbee, Burke, Boudreaux, Brooks, Chamberlain, Corley, Duane, Decker, Dejean, Danel, Evans, Galligar, Kavanagh, Kamper, Laloire, Miller W. D., Miller R. M., Meeks, Marie, Rotgé, Riggs, Seymour, Senette, Tully, Todd, Wood, Woodward—28.

The bill then came up on its second reading.

MR. BOFILL—I move to strike out the enacting words of the bill.

The motion was lost as follows : Yeas 31, nays 47.

The bill was then adopted on its second reading, and, on motion of Mr. Laster, referred to a special committee of five, appointed by the chair.

The bill to organize the police of the city of New Orleans having been made the special order of the day, was taken up.

On motion, the bill was taken up section by section.

Section 1 was read and adopted.

Section 2 was read.

MR. GANNON—I amend by adding, "citizens with families shall have the first choice."

A motion to table was lost, and the amendment accepted, after which the section was adopted as amended.

Section 3 was read.

MR. BAUM—I move to strike out "citizens of New Orleans," and insert "citizens of Louisiana."

Amendment accepted.

MR. HOWES—I move to amend by substituting "two years" for "one year."

Laid on the table.

MR. GALLIGAR—I move to substitute, “fluently speak the English language,” for “read and write the English language.”

Laid on the table.

MR. CHRISTIE—I move to strike out all after “evidence,” and insert “that they are citizens of the United States of America and voters in the State of Louisiana.”

The amendment was carried and the section adopted as amended.

Section 4 was read.

MR. CHRISTIE—I would like to know what the section means in referring to “United States officers?”

MR. FOLEY—It means the election for president and members of Congress.

MR. LASTER—I think the words, “with any election,” cover the whole ground, and I move to strike out “whether of city or of State and United States officers.”

MR. DUANE—I move to reject the whole section.

MR. FOLEY—I move to lay all amendments on the table. The Constitutional Convention passed the article on this subject for the express purpose of making policemen independent, and not the tools of politicians. And the constitution directly says, that “interfering or meddling in elections in any manner will be a sufficient cause for instant dismissal from the police by the board.”

The motion to table was carried, and the section adopted.

Sections 5, 6 and 7 were adopted as read.

Section 8 was read.

MR. BACM—I move to strike out “gratis” and insert “without further compensation.”

Amendment accepted.

MR. GALLIGAR—I move to substitute “once a day” for “once a week.”

MR. CHRISTIE—I am opposed to increasing the duties of any one without correspondingly compensating him.

The amendment was tabled.

MR. CHRISTIE—I move to strike out “gratis,” or “without further compensation,” and insert, “for which he shall receive \$200 per annum.”

MR. FOLEY—For the information of gentlemen, I will state that I am well acquainted with the duties of the chief’s clerk. There are three clerks in the office, and the chief clerk has not one hour’s work from day to day. I have been speaking to the present clerk, and he states he is satisfied to do this work without any further compensation. The board only sits once a week, and his duties will not amount to half an hour per day. I think \$100 per month sufficient payment.

MR. McCANN—I move to strike out the whole section. If a man has got to be tried, he should not be made to wait a week for such trial.

MR. FOLEY—If the gentleman wishes the whole section stricken out, he does not want a trial at all.

MR. GALIIGAR—It is necessary to have the Police Board sit each day; for, if a man is reported at night for a neglect of duty, he is suspended from further duty till the case is investigated, and should not be kept thus, and made to wait an entire week.

MR. CHRISTIE—The question is one of compensation. I had supposed the mover of this bill was a man who was in favor of always paying the laborer, the policeman, and any one else, the reward of his labor. I care not if the clerk only sits there half an hour. The fault lies with the authorities, who do not find him enough to do. I know he has responsible and arduous duties to perform, for I have watched him in the office, busy in his vocation. I believe in paying all men for the services you compel them to perform, and if you give that clerk additional labor, pay him for it.

MR. LASTER—I move to insert in that section a provision, giving the clerk \$600 per annum, besides his regular pay as clerk of the chief of police. There will be many cases before the board where testimony may be ordered by the president to be taken *verbatim*, which will cause the clerk to perform a great deal of labor in taking down and writing out evidence, and will require much more time than these gentlemen anticipate. A man having other duties to perform, will neglect one or the other, and will be likely to neglect that for which he receives no compensation.

MR. PEARSON—I move to strike out "chief's clerk, as secretary," and insert "a secretary."

Laid on the table.

The motion to strike out the section recurring, a motion to table was lost.

MR. PEARSON—I move to amend so as to require the police board to meet at the City Hall daily.

Amendment accepted.

MR. FOLEY—I amend by making the members of said board entitled to the sum of \$1200 per annum, for their services.

Amended to \$1,500. Accepted and adopted.

Mr. Christie moved that the secretary receive for his services, a salary of \$600 per annum, which Mr. Pearson amended to \$1,200. Laid on the table.

Mr. Foley moved as an amendment, that the mayor's secretary be selected by the Board to act as secretary, without further compensation. Laid on the table.

MR. LASTER—I move to amend the section so as to make the office of secretary separate and distinct, and not connected with the police in any way.

The amendment was carried, and the section adopted as amended.

Section 10 was read.

Mr. Foley amended by striking out all after the word "salary," and inserting the following:

"Or if any policeman be killed in the discharge of his duty, his wife, providing she has children and be in indigent circumstances, shall receive the sum of fifty dollars per month for the ensuing five years, to be paid monthly from the city treasury, provided further, she remains unmarried during the aforesaid five years. *Provided*, The police board are satisfied that such sickness is real and not feigned."

Substitute adopted.

Section 11 was adopted without amendment.

MR. FOLEY—I have an article to insert here, which is the following :

Section 12. *Be it further enacted, &c.*, That any officer of police, or any policeman, who may be cognizant or informed of any gambling house, lottery, or place wherein lottery tickets are sold, to be in operation, and who do not arrest and proceed against the keepers, conductors, aiders and abettors of such houses, according to law, shall be immediately dismissed from the police and be ineligible to any position of profit or trust under either the State, parochial or municipal governments thereafter.

MR. CHRISTIE—I move to strike out "unlicensed," as we have not, and I hope never will, have a law licensing gambling houses.

MR. MEEKS—I am in favor of suppressing gambling, and will vote for any bill, the object of which is to do that. The gentleman who, in this police bill, proposes to insert this clause, is the very one who offered a bill to license gambling. His position is one difficult to be understood. I move the rejection of the bill.

MR. FOLEY—There being no licensed gambling houses, they are, therefore, all unlicensed and I hope to put them down. If this passes, it will be the duty of these gentlemen, who pretend to wish to put down gambling, to go into each gambling house, close it up and punish all the parties there congregated.

MR. CHRISTIE—This seems to be an idea to coerce the officers and members of the House to submit to propositions which should not be incorporated in this bill. I object to the word "unlicensed," as it occurs in this matter before us. There is no such a thing as a licensed gambling house in New Orleans at the present time, and I hope there never will be. By the use of the word "unlicensed" the gentleman seeks to convey the idea that we have or will have licensed gambling houses. I do not believe such a thing is possible, and with all the corruption and immorality which exists, I believe that as the Legislature of Louisiana has been for years, it will be during this session. I wish that word stricken out. He seeks to make the police chase a shadow. They cannot find anything but simple gambling houses in New Orleans.

MR. PEARSON—I move to strike out the word "unlicensed" and insert "all."

MR. FOLEY—I accept the amendment.

The section, as amended, was then adopted.

MR. FOLEY—I offer an additional section relative to the trial of delinquent police officers and the publishing of the proceedings.

The section was tabled—yeas 48, nays 10.

Upon motion of Mr. Baum, the House then adjourned until 12 M., of Thursday, the 27th inst., by a vote of 48 yeas to 32 nays, the roll having been called, upon motion of Mr. Foley.

THURSDAY, October 27, 1864.

The House met, pursuant to adjournment, at 12 M., and prayer was offered by the Rev. Dr. Newman. Sixty-five members responded to roll-call, after which the minutes were read and adopted.

The chair announced the appointment of Messrs. Laster, Christie, Todd, Kavanagh and Chamberlain on the special committee, to whom was referred the gambling bill.

Mr. McDonnell offered a resolution appointing a committee of five to ascertain whether the New Orleans Gas Light Company has not failed to comply with the conditions of its charter.

MR. FOLEY—I move that it be referred to the committee appointed to examine the Carrollton and City Railroad Companies.

Carried.

Mr. Tully offered a resolution that the House meet each day, Saturdays and Sundays excepted, at 11 o'clock and not adjourn before 3 P. M.

MR. BADGER—I move to lay it on the table.

Carried, by the following vote—yeas 57, nays 13.

Mr. Bisbee submitted a resolution, stating, that as the New Orleans Times had, in its columns, referred to the enormous expenditures of the late Constitutional Convention, amounting to \$238,000, the speaker of the House should appoint a special committee of three, to examine the papers in relation thereto, and furnish a statement of facts.

MR. FOLEY—I am in favor of the measure, but I think the Legislature is assuming power that does not properly belong to it. I would be glad to have the committee appointed, if it could be done legally; but in doing so, I think we are transcending our duties. It is like the creature bringing the Creator to account for acts that have been performed. Therefore, I move to lay the resolution on the table.

Carried—yeas 39, nays 30.

The following members gave notice of intention to introduce bills:

Mr. Van Tromp: "A bill for the relief of St. Joseph's Church, Baton Rouge."

Mr. Smith: "A bill granting soldiers and loyal citizens of the United States a homestead of one hundred and sixty acres of land, of lands belonging to the State of Louisiana."

Mr. Cook: "A bill on inspection of tobacco, beef, pork and flour."

Mr. Decker : "A bill to amend the several acts in relation to the prescription of promissory notes, bills, and other written obligations, for the payment of money or other articles of value."

An act relative to sureties on individual bonds, was put on its second reading, and ordered to be engrossed for its third reading.

An act from the Senate, to provide for the recording of marriages in the parish of Orleans, and all other parishes in the State of Louisiana, was amended by Mr. Harnan, by striking out section 2 of said act.

Adopted, and the bill was referred to the Judiciary Committee.

A bill entitled "An act to authorize the city corporation of New Orleans to build a good and substantial bridge across the New Basin Canal, at Liberty street," was put on its second reading, and referred to the Committee on Internal Improvements.

An act to provide a homestead for the widows and children of deceased persons, was put on its second reading, and referred to the Committee on Judiciary.

The bill appropriating the sum of one hundred thousand dollars to the First Regiment Louisiana Volunteers was read.

MR. BADGER—I move the adoption of the bill and its reference to the Committee on Militia.

MR. LASTER—I am opposed to referring that bill, for the regiment is not composed of Louisianians. The field officers are composed of men from the Western and Northern States, as were those of the line. The privates go into all our public places, and, protected by the uniform which they wear, insult the people of New Orleans, rendering themselves unworthy of being recognized as the sons of any State. I am opposed to squandering the money of the people of Louisiana upon any such poor apologies for men.

The rank and file, taken from the prisons and jails of New Orleans, was allowed to choose between enlisting and remaining there. I think they took the better course, for it certainly must have been more beneficial to the country to have them in its service than to have allowed them to remain where it first found them. In the choice of officers, they have not given the citizens of Louisiana the preference in any one case, but have selected men from the Northern and Western States. They have already received bounties from Eastern and Western regiments, and now wish to come upon us for a second bounty. I can bring proof that they are men unworthy of being enlisted in any State—that they have enlisted on both sides in turn, and that they now propose to shirk service by becoming patrols of the defences ! They walk our streets day and night, and because they are enlisted and cannot now help themselves, but wish to get others into the same situation as themselves, they pester all, as they say, "to come up and fill the ranks."

MR. LEWIS—I would like to have the gentleman's words taken down, that he may see how they will appear in print.

MR. DUANE—I am very much astonished at the remarks of the worthy member of this honorable body. He is a citizen of this State and city like myself, and undoubtedly has considerable knowledge in regard to the regiment that has been organized in this city; but I must say he is entirely mistaken so far as the field and line officers being Northern or Western men from various regiments. I deny it, for to my own knowledge, many of them belong in this city. I also deny that they have been taken as convicts from the various prisons. I admit that some of them have been brought before the courts and punished for trivial offences, such as being drunk, disturbing the peace, etc., by perhaps thirty days imprisonment, and in preference to going to jail, have joined this regiment; but I know that fully one-half of the regiment took the earliest opportunity of leaving the rebel lines and coming here, joined the Union army, where their sympathies were already enlisted. I am surprised that a member of this body should attempt to discourage a movement of this kind. There are now 600 or 700 in this regiment and they have not received any bounty from this State, but I contend they are entitled to it as much as any other volunteers.

MR. VAN TROMP—I think that whatever crime a man may have committed, when he takes a gun and fights for us and his country, it is a sufficient atonement and he has a right to as much bounty as any other soldier.

MR. BRECKENRIDGE—I have listened to the remarks, but would like to inquire what the gentleman considers the qualifications of a soldier. The battalion that left this city in 1861, to fight for the Confederacy, composed of such men, fought well at Manassas, and they were not only respected but rewarded and cherished by the citizens of Louisiana. I think the Louisiana volunteers, in the Union army, deserve even more credit, not only for their fighting qualities, but their patriotism in renouncing the Confederacy and coming back under the old flag.

MR. POYNOR—I will detain the House but a few moments in stating what I know of the 1st Louisiana regiment in the cause of the Union. I am personally acquainted with at least one hundred members of this regiment, and I must say, to their credit, that they are men of worthy character, who deserve the respect and recognition of this honorable body. I think the remarks of the gentleman on my right, (Mr. Laster) altogether uncalled for and unnecessary, and I am astonished that a Louisianian should have made such an abominable charge against our Union soldiers.

MR. LASTER—My remarks do not apply to all the regiment, but it is a notorious fact that the three field officers of the regiment are not citizens of Louisiana; nor, sir, are any of the line officers, with the exception of Captain Loup, citizens of Louisiana. The very men who were commissioned as officers in that regiment from the East and West

have tried to defeat him and deprive him of his commission. The major of that regiment is dead, and the senior officer tried an underhanded game to prevent his promotion. There is one citizen of Louisiana entitled to promotion, but they will not give it to him, and that is Capt. Loup. He is captain of the first and only full company enlisted. He gave volunteers to other companies, that the regiment might be formed, and the very men he put in have turned against him, and tried to keep him from being promoted. Not because he was not a military man, or unable or unwilling to fight, but because they wished to manage the whole thing. Speaking of the scandalous conduct of the different officers and privates, I say I have witnessed [cries of "order"] these men put on their uniforms and go into different parts of the city, and insult citizens; and for what? Not because they are so sincere in the cause they have enlisted in, but from the fact that they are sorry to find themselves in such a predicament, and wish to get every citizen in the same fix, on the principle that misery likes company.

MR. CHRISTIE—I call the gentleman to order.

MR. DUANE rose to speak.

MR. LASTER—If any man can convince me that I am wrong, I will vote for the bill. Take a vote of the House and see whether I shall continue my explanation.

Cries of "out of order."

MR. LEWIS objected to the speaker continuing.

MR. LASTER—Am I allowed to proceed?

THE SPEAKER—The chair decides that the gentleman can go on.

MR. LEWIS—I appeal from the decision of the chair.

The appeal was put and the chair sustained.

MR. LASTER—I yield the floor to another gentleman, reserving the right to close the debate.

MR. DUANE—Mr. Speaker: In speaking of the field and line officers of the regiment in question, the gentleman mentions the name of Capt. Loup. That officer is a very intimate friend of mine, and I have ever heard him speak well of the line and field officers, and from information from the officers of that regiment, they are about to make him major. I deny that he has been treated as the gentleman represents. I took a great interest in raising that regiment, and furnished many men from my own district, whom I know to be respectable men, with families. And as a whole, I believe the regiment is one of the most respectable bodies of men that has been formed during this rebellion.

MR. LASTER—It has been intimated that I have never spoken well of those officers. I have not spoken a word against them, and I have not spoken in favor of the regiment, from the fact that it is not a regiment of Louisiana. The little I know of them, is not in their favor. They have enlisted men from all parts of the country--deserters from the Confederate army and

prison-birds of New Orleans—and now that they are clothed with the protection of the United States, they go upon our streets and by-ways and highways, insulting the very people who are sustaining the cause of the government. If the officers and privates are Louisianians, give them what is due to them, and the same bounty that other States give. No man is more willing to give that than I am, but these soldiers are not soldiers of Louisiana; they are those who have shirked the service on one side, and come here because they do not expect to be called into active service; and this thing has been brought forward by the friends of the field officers, in order to get the bounty.

I wish to hear Mr. McDonnell, who was formerly an officer in the regiment, and I move that he be allowed to speak. •

MR. CHRISTIE—I am willing that the gentleman shall be allowed to speak, provided other members are given the same privilege, for I would like to say something on the subject myself.

MR. VAN TROMP—I move Mr. Laster be allowed to make any corrections he may desire, in the report of his remarks on this subject.

MR. FOLEY—The motion is unnecessary, as any member has such a right. The motion was put and carried.

MR. BADGER—I move the bill be referred to the Committee on Militia. Carried.

MR. PRESCOTT—I move we now adjourn.

The yeas and nays being called, the motion was carried, by a vote of 38 to 32, and the House adjourned until 12 M., Friday.

FRIDAY, October 28, 1864.

The House met pursuant to adjournment, at 12 M. Sixty-two members were present.

The minutes were read and adopted.

The keepers of stalls in the Vegetable Market, Second District, and others, offered a petition, asking the removal of peddlers from the neutral ground around the market.

MR. FOLEY—I believe it properly belongs to the bureaus and the mayor of the city. The petition states that the City Charter prohibits such stands on the neutral ground. I therefore move it be referred to the bureaus and the mayor.

Carried.

The committee appointed under the resolution relative to the distances of the seats of justice in each parish from the seat of government, submitted a report, giving the distance that each member has to travel, and allowing the regular *per diem* for each day's travel of twenty miles, going and returning.

MR. SEYMOUR—I move it be referred to the Committee on Education, as the gentlemen who drew it up do not seem to understand the topography of Louisiana. The time for travelling one of the distances is put down at thirteen days. On the 14th of July I left here at 10 A. M., and got to Brashear City, the point in question, at 4 P. M., which, according to the report, is a thirteen days' journey. •

MR. FOLEY—I move to refer it to the Finance Committee, for them to make a report to the House what the whole amount of travel would be, and the expense attached thereto.

MR. TODD—The report is made, according to instructions, at the rate of twenty miles' travel per day.

MR. CREIGH—I move the report be rejected.

Carried

MR. EGAN—I move the committee be discharged, and a special committee be appointed.

Carried.

Mr. Todd gave notice of his intention to introduce "A bill granting Edward Garrio, of the parish of St. Landry, the privilege of keeping a ferry."

MR. H. C. BELDEN: "A bill to abolish article 1462 of the Civil Code of Louisiana."

Also, "A bill to amend section 1 of an act entitled an act relative to divorces, approved 19th March, 1827, as now incorporated in and forming part of article 139 of the Civil Code of Louisiana."

A message from the Senate, through Mr. Neelis, the secretary, stating that the president of the Senate had signed "an act regulating the *per diem* and hours of labor on public works;" also, requesting the concurrence of the House in "an act to fix the compensation of tax collectors;" and joint resolution "relative to the two United States senators elect;" and joint resolution "relative to the Hon. Charles Smith and R. King Cutler, as senators elect to the Congress of the United States."

An act from the Senate, relative to the fees of constables of the sixth justice's court for the parish of Orleans, was adopted on its first reading.

A bill entitled "An act authorizing the city of New Orleans to make certain local improvements, and for that purpose to levy a tax on the property specially benefitted thereby," came up on the first reading.

MR. CHRISTIE—I move the bill be rejected.

Lost.

MR. SEYMOUR—I move a suspension of the rules to put it on its second reading.

MR. FOLEY—I move to lay it on the table.

Carried.

MR. H. C. BELDEN—I move a reconsideration of the vote on the report of the committee on mileage, etc. I cannot conceive any irregularity in the report. The distances the several members have to travel are correctly stated. We are allowed to travel twenty miles per day, and that is usual. It has been established and adhered to in every Legislature in the State of Louisiana, and is the same that is allowed to members of Congress. If there is any correction to be made in the report, it is in the rate of travel, for I believe the distances to be generally correct. Twenty miles a day is what was allowed in times of peace. I do not wish to drain the treasury of the State, but I wish to abide by the rules established by former Legislatures.

MR. PRESCOTT—As a member of that committee, it may be due to the House that I should make some explanation. I believe the calculation of the distances which the members have to travel, to be substantially correct; in fact, they are rather under than over. If any gentleman will take the trouble to go into the treasurer's office, and examine the authorized survey, he will see that the distance from the parish of Catahoula is 350 miles, instead of 340, as reported by the committee, and so with others. In regard to the time occupied in the journey, it must be remembered that in the present condition of the country the usual modes of travel are not available, and with the exception of the Mississippi travel on the boats, is suspended. Many parts of the country are infested by jayhawkers and guerrillas, so that frequently the members are obliged to pursue a very circuitous route to go a short distance. Should the House call upon me to know how many days I occupied in coming here, I shall be happy to give an explanation. I therefore move a committee be appointed to ask every member the time he was occupied in coming here.

MR. FOLEY—I am not opposed to the distances reported by the committee, but I am opposed to the number of days for travelling such distances. If a member, in coming from the parish he represents to this city, is captured by guerrillas and incarcerated for three weeks or two months, and then makes his escape and comes here at, perhaps, the last week of the session, I am opposed to paying him for the time thus spent, but am willing to pay him for the distance actually travelled. A man living in one of the parishes on the Mississippi can travel two hundred miles per day, instead of being ten days about it. We have no right to squander the public money in this way, which, according to the report, would amount to \$20,000.

MR. WHEELER—Does the gentleman suppose we have railroad facilities throughout the State? The first time I came to the city, I was ten weeks in getting here. I do not claim payment for that time, but only for what is just.

MR. FOLEY—I am in favor of leaving it to the members themselves to say how many days they were in coming to this House, and I believe no one would misrepresent the facts.

MR. PRESCOTT—The gentleman has alluded to me as having met guerrillas

in coming here. I beg leave to state, that I have always had the reputation of being an honest man, and I desire to maintain that reputation here and elsewhere. In reference to that report, all I had to do with it was simply to agree as to the distances. They were furnished by Mr. Todd, and I looked them over, and revised them where incorrect. As to the number of days occupied in travelling to this House, I know nothing about it. I think the proper way would be to ask each member in regard to that, and I presume he would give a correct report.

MR. CHAMBERLAIN—I am at a loss to discover what any gentleman can find to object to in this report. It makes no difference how many days have been allowed in the report. It is a constitutional provision, adopted by every Legislature in the United States, and by the Congress of the United States itself, that members shall receive their *per diem* for every day's travel, allowing twenty miles for each day's journey. I know the member of Congress from California receives upwards of \$3000 for mileage, and nobody objects to that. He is permitted the same *per diem* and rate as the member from Maryland, who travels only fifteen or twenty miles. They are allowed twenty miles for every day's travel, whether they travel on foot or by rail, and there never was any objection made to it in this State during prosperous times.

The yeas and nays were ordered, and the motion to reconsider, carried—yeas 52, nays 19.

MR. FOLEY—I now move the report be recommitted to the same committee and they be empowered to send for persons and papers, in making their report.

MR. H. C. BELDEN—I move to lay it on the table.

Lost—yeas 28, nays 43.

The motion to recommit was then carried.

A joint resolution from the Senate, was adopted, requesting R. King Cutler and Charles Smith, members elect to Congress, to deliver an address before the members of the General Assembly in the hall of the House of Representatives, at 6 p. m., Saturday, November 5th; also, a joint resolution in regard to giving the senators elect a copy of the proceedings of the joint session declaring their election, signed by the president of the Senate and the speaker of the House.

Mr. Christie asked leave of absence for Mr. Burke, for ten days, which was granted.

The police bill was taken up.

MR. POYNOT—Mr. Speaker: As there may be some misunderstanding relative to the number of the police board herein referred to, I would like to state that I happened to be a member of the Convention in which the foundation of this bill was laid. I am perfectly confident that there is a typographical error in the constitution, for the board is to consist of four citizens and

the mayor, thus allowing it to be composed of one citizen from each of the four Districts, with the mayor as president. According to the constitution, as printed, it is to consist of six members, which is plainly a violation of all parliamentary laws, on account of the even number of which the board would then be composed.

A message from the governor, announced that the bill relative to the repeal of laws, in regard to election of presidential electors, was defective in its title; it was suggested that the addition "of president and vice president," be made to the title as passed.

The adoption of the suggestion was immediately put and carried.

MR. POYNOR—**MR. SPEAKER**: I request you to refer to page 431 of the Debates of the Convention, where you will find the report of the committee, stating that the police commission is to consist of five citizens, the mayor being chairman.

The Hon. Mr. Seymour was called to the chair.

MR. MEEKS—I move to strike out the word "five," as found in this bill, in connection with the number of police commissioners, and to insert in place thereof, "four." I contend that the constitution is printed erroneously in this instance, for it is perfectly clear that only four citizens shall be appointed. I am opposed to having the First District in the majority on that board, as the First District would, in turn, oppose that position of my own District. But if there is an equal number from each District, the mayor can decide any particular question. I wish the bill to read as presented by the Hon. Mr. Sullivan, in the Convention, and contend that any different enrollment of the bill is an error.

MR. FOLEY—I, also, was a member of that Convention, and would state that every article of that constitution was read three times and then referred to a committee for revision. This committee took the liberty of changing some articles adopted, and I have no doubt this was the fact in the particular case before us.

MR. POYNOR—Where is the report of that committee on the constitution?

MR. FOLEY—In the constitution as enrolled.

MR. POYNOR—Where is the report of that committee?

MR. FOLEY—I drafted that bill from the constitution, as enrolled, in the office of the secretary of state.

MR. POYNOR—It seems to me that the report of the constitutional committee is couched in very plain language, directing that there shall be one citizen selected from each District of the city, to serve on this commission. "How many Districts are there in this parish? I pause for a reply.

THE SPEAKER—I have the bill, as enrolled, saying that this commission shall be composed of five citizens, and the mayor shall be president.

MR. POYNOR—I contend that there should be one citizen elected from each

District, thus making a commission of four members, of which the mayor shall be president. If we make the number of which the body of the Board consists five members, from which of the four Districts shall we take the additional member, from the First, Second, Third or Fourth? If he is to be taken from the First District, I am in favor of that, but the other Districts are opposed to it, as I, in turn, shall be opposed to the allowing to any other than my District, this extra member.

THE SPEAKER—The gentleman is out of order, as I have the bill here, as enrolled, deciding the question.

MR. MEEKS—The bill, as offered by Mr. Sullivan, is correct.

MR. CHAMBERLAIN—Mr. Speaker: Which is authority for this House, the enrolled bill or the printed document?

THE SPEAKER—I have decided that the enrolled bill is authority.

MR. POYNOR—Mr. Speaker: If you will turn to the Debates of the Convention, page 431—

THE SPEAKER—The gentleman is out of order.

MR. FOLEY—We have nothing to do with the enrolled bill. If we wish to revise the constitution, we can do so.

MR. PEARSON—I would like to have a committee of three appointed, to find out, in relation to the article, whether it is authentic or not.

The motion was carried, and the committee, consisting of Messrs. Pearson, Foley and Meeks, appointed.

MR. CREIGH—I move to insert, in section 5 of this bill, "one security," in connection with the appointment of policemen.

MR. FOLEY—I accept the amendment.

MR. TULLY—I move to amend still further, by inserting "good and solvent security," in place of "one security."

The motion was carried.

MR. BELDEN—I move to lay the bill and all substitutes on the table; we have nothing to do with the matter.

The motion to lay on the table was carried—yeas 35, nays 28.

MR. BADGER—I move a reconsideration.

MR. POYNOR—I move to lay that motion on the table.

The motion to table was declared lost.

MR. POYNOR—I appeal from the decision of the chair.

On roll-call, the House refused to sustain the decision of the speaker—yeas 26, nays 36.

THE SPEAKER—The motion to table prevails.

The House then adjourned until 12 M. on Monday, the 31st inst.

MONDAY, October 31, 1864.

The House met pursuant to adjournment, when prayer was offered by

Rev. Mr. Horton ; after which, a quorum being present, the minutes were adopted as read.

A resolution fixing the time of adjournment of this sitting to Wednesday, the 2d proximo, was adopted.

The motion to reconsider the police bill was declared lost, and upon appeal from the decision, the chair was sustained.

Mr. Foley's resolution, declaring the necessity of economy, and the fact that twenty-seven clerks of committees had been appointed unnecessarily, and therefore calling for the rescinding of the resolution allowing committees to appoint their own clerks, Mr. Walsh moved be tabled. The motion was lost, and resolution laid over until the morrow.

Mr. Waters presented a resolution requesting that a committee be appointed to wait upon the military authorities and ascertain their views with regard to the course of proceedings in the House.

MR. FOLEY—I think that is a very important subject and that consideration of it should be postponed for the present. I, for one, do not know whether the military authorities have anything to do with this matter.

THE SPEAKER—Though it is going rather beyond my duties for me to say anything, I must remark that I agree with the gentleman.

MR. CHAMBERLAIN—I hope that the gentleman who offered the resolution will explain.

MR. CHRISTIE—I also hope so. I would like to have his reasons.

MR. WATERS—I do not know that it is necessary for me to give any explanation. I offered the resolution because the military authorities have interfered with us already, very materially, in taking the militia bill out of our hands.

MR. CHRISTIE—Mr. Speaker : I deny that assertion most emphatically. The gentleman might say with just as much truth that the military authorities have taken out of our hands the subject of gambling. I believe they have done nothing of the kind, and am not in favor of sending the proposed or any other delegation to the military authorities to ask them what we shall do with reference to the so-called gambling, or militia bill. The settlement of those subjects is a matter appertaining wholly to this Legislature, which, in my opinion, is competent to attend to it without interfering with the military, in any way or shape whatever. Every gentleman is aware that we have something to do with authorities otherwise than the civil, but nothing has here transpired, which conflicts, in the least, with that other power.

This bill is before a special committee, and I, for one, wish to see the chairman of that committee call it together, make a report, and then to have the views of this House go forth to the people of Louisiana. As for the "militia" bill, I think that in regard to that it will be improper for the House to take any action upon it at present.

Mr. FOLEY—I move that the bill be made the order of the day for Friday next.

Mr. WATERS—I meant no disrespect, whatever, Mr. Speaker, to the committee to which this matter has been referred, but simply think that we should ascertain whether we are governed by civil or military authority.

Mr. KAVANAGH—Mr. Speaker: I move that the resolution of my friend be laid on the table. I do not think we have a right to bring the military authorities to any account, but I do think that the less we interfere with them, the better it will be for ourselves. It seems to me that we should be very careful how we conduct ourselves in the present aspect of affairs.

Mr. SEYMOUR—I, for one, say thank God that General HurlBut issued that order, for we were not capable of doing it, and he has now taken the matter out of our hands.

The resolution was tabled.

The rules having been suspended, the militia bill was taken up on first reading.

Mr. FOLEY—There is an error in the first section, in mentioning the vice president of the United States, as among those exempted from military duty.

Mr. CHAMBERLAIN—There is no error, for the vice president may be a citizen of this State.

THE SPEAKER—Is this the report of a committee or a bill?

Mr. CHRISTIE—It is the report of a committee, embodying a bill; in no other way could it come before the House.

THE SPEAKER—The signatures give the chair to understand that it is the report of a standing committee, though the heading might lead into error.

Mr. BAUM—I move that the reading be dispensed with, and 150 copies ordered to be printed.

Mr. FOLEY—Mr. Speaker: The gentleman is out of order. The proper time to make that motion is, when the bill comes up on second reading.

THE SPEAKER—This is the report of a standing committee, and as such, the House can dispose of it in the manner just suggested.

Motion to print, carried.

Mr. BOILL called for his act, for the temporary relief of the State treasury.

Mr. BAUM—I move to fix the rate of interest at eight instead of six per cent. Amendment accepted.

Mr. LEWIS—I move to insert after "borrow," "from whatever sources tenders may come."

Amendment carried.

Mr. KAVANAGH—What has been done with the amendment relative to interest?

THE SPEAKER—It has been accepted.

Mr. FOLEY—I believe that the amendment must be ratified by the House, and that the gentleman cannot, alone and of himself, accept it.

The House ratified the amendment.

Section 2 was read.

MR. BAUM—I move to amend, by substituting \$350,000.

MR. MICHEL—I move to lay the amendment on the table.

Carried, and section adopted as amended.

MR. HOWES—I amend to \$700,000. I think we will need it, as we are going to give \$100,000 to the Louisiana regiment.

MR. FOLEY—In order to have the second section agree with the first, I move to strike out “any solvent institution.”

Carried.

On motion of Mr. Creigh, Mr. Howes’ amendment was tabled.

The bill was then adopted as a whole, ordered to be engrossed, and made the special order of the day for Wednesday.

An act relating to criminal fees in the parish of Jefferson, was taken up on its third reading.

MR. FOLEY—I believe, as the bill now reads, it will be unconstitutional. It says it shall be the law from November first. To-morrow will be the first, and the bill has yet to pass the Senate and be signed by the governor. I amend so as to make it read the first of December.

Carried, and the bill adopted.

The act to extend the powers of constables in the parish of Jefferson, was taken up on its third reading.

MR. CHAMBERLAIN—I move the bill be rejected. I do not believe in giving power to justices of the peace and constables, to go in and sell movable and immovable property for a debt, perhaps, of five dollars, and I hope there will be an exemption law passed.

Lost.

MR. CREIGH—I move to amend section first by adding, “provided the movable property be worth over \$300.”

The amendment was tabled, and the bill adopted as a whole.

An act to amend article 330 of the Civil Code, was taken up on its third reading.

The bill was adopted by the following vote—ayes 67, nays 0.

On motion of Mr. Creigh, the House adjourned until 12 m., Wednesday, November 2d.

WEDNESDAY, November 2, 1864.

The House met pursuant to adjournment, at 12 m., sixty-three members present.

Prayer was offered by the Rev. Mr. Andrews.

The minutes were read and adopted, after which a communication from the secretary of state was read, giving the returns of the election to fill the

seat of E. P. Marionneaux, of the parish of Iberville, and declaring P. L. Dufresne as duly elected.

On motion, the report was received, and the member sworn in.

Mr. Foley's resolution of Monday last, relative to the rescinding of article 40, was brought up.

Its adoption was moved, as was the laying on the table.

MR. CHAMBERLAIN—Mr. Speaker and gentlemen : I hope that before this is adopted, gentlemen about to vote on it, will give this a little consideration. In the first place, this resolution says that twenty-seven clerks are in the employment of the House ; so they are, but there are some twenty standing committees, and out of this number, two monopolize the greatest number of the clerks employed—those two being the committees on Enrollment and Judiciary—which have, between them, fourteen. The other eighteen standing committees have but thirteen clerks, and I trust those who vote for this resolution will be prepared to do their own writing hereafter. I know that committees have not done their duty, and am sorry to be obliged to own it, for it is the duty of a committee, not only to take bills into consideration, but to devise and present modes and measures by which to facilitate business.

The Committee on Military has reported, however, and any one examining its report must see that it was prepared only through great labor. That committee is undoubtedly entitled to a clerk, as is the Committee on Ways and Means, of which I am a member, to more than one, though it has but one. The Committee on Education also does business enough to require more than one assistant, though we have restricted ourselves to one, in the hope of curtailing expenses. If necessary, I would inquire into the expediency of allowing the committees I have referred to, to employ more than one clerk. I am also confident that some, at least, of the other committees are entitled to more than one clerk.

MR. FOLEY—There is no doubt but that the Committee on Military require a clerk, but that resolution embraces all committees and clerks. There are several committees who do not require any clerk, so that one clerk will be enough for four committees, and this resolution paves the way to finding out how many are necessary. If the committee report that fifteen clerks can do the work of the House, I think we should retrench expenses and make that number do.

MR. BOFILL—The motion is to lay on the table.

MR. FOLEY—That cannot be done, as it was tried on Friday last and failed.

MR. TODD—I want to know whether a clerk who performs services on four committees, would, under your scheme, receive twenty dollars per day ?

MR. FOLEY—No sir, only five.

MR. CHAMBERLAIN—Suppose two committees wished clerks at the same time, how would you manage then ?

MR. FOLEY—I find that here is a clerk appointed by the Committee on Commerce and Manufactures, where there is no need of one, which is true also of the Committee on Auditing and Supervising the Affairs of the House. What is the necessity for a clerk on either of these committees? I find also, that there is a clerk for the Committee on Public Printing, two to the Committee on Internal Improvements, one for the Committee on Elections, and one to the Committee on Public Lands and Levees. I say that one clerk can do the work of both the Committee on Internal Improvements and the Committee on Public Lands and Levees; they are so intimately connected, that I feel confident in my assertion.

MR. TODD—I am a member of the Committee on Internal Improvements, and if I am not mistaken, you, sir, voted an additional clerk to us.

The resolution was declared adopted, by the following vote—yeas 38, nays 32.

MR. LALOIRE—I think a two-thirds vote is required.

THE SPEAKER I adhere to my opinion, but would like to have some gentleman appeal, that I may have the sense of the House.

MR. S. M. TODD, as chairman of the Committee on Internal Improvements, reported favorably on the adoption of a bill entitled "An act to authorize the city corporation of New Orleans to build a good and substantial bridge across the New Basin Canal, at Liberty street."

MR. JULES DEJEAN, chairman of the Committee on Judiciary, reported favorably on a bill "providing a homestead for the widows and children of deceased persons," and recommended substitutes for the following bills:

"A bill relative to the justices of the peace for the parish of Orleans;" and "a bill providing a lien law for the benefit of mechanics and laborers."

The report was received and made the order of the day for Monday, and 100 copies ordered to be printed.

MR. DANIEL gave notice of intention to introduce a bill "to authorize John Wright to keep a billiard saloon in the parish of St. Landry," approved March, 1859.

An act entitled "An act for the collection of taxes within the State of Louisiana, and for the payment of its public debt," was put on its first reading and adopted.

A message was received from his excellency, Gov. M. Hahn, through his private secretary, Mr. N. C. Snethen, informing the House of Representatives that he has approved and signed the following act:

"An act regulating the *per diem* and hours of labor on the public works."

"An act relative to the auditing and payment of contingent expenses of the General Assembly," was taken up on its third and final reading.

MR. BACCH—I move its adoption.

MR. FOLEY—I was in favor of this on the first and second readings, but I find, on examination, that it is highly necessary for the auditor of public

accounts to receive a detailed statement of the expenses of this House, and of every office of our civil government. I took the trouble to examine, this morning, some of the items of the expenses of the late Constitutional Convention, and found one item for \$65 for a supper at Galpin's restaurant, charged to the Convention. I am in favor of sending to the auditor a detailed statement of the expenses of this House, and, therefore, I move the act be laid on the table, on which question I call for the yeas and nays, but will withdraw for a few minutes, to give other gentlemen an opportunity to speak.

MR. CHRISTIE—This is a matter which every gentleman should have an opportunity to debate. It appears that the auditor of public accounts is now specifically required by law to receive vouchers for every particular item of the moneys that he pays out, and if this House authorizes moneys to be paid out in any other manner than in accordance with the existing laws, it thereby repeals those laws, which, if any gentleman will read, he will find very conclusive and proper for the safety of the treasury of the State. Such a repeal would be establishing a very improper precedent, I conceive. It is true, that by so doing, this House would have a perfect right to command the payment, by the state auditor, of any moneys, under the authority of the speaker of this House, or, perhaps, under the authority of a committee. But I think this would be improper; it would not be securing the rights of the people as we should, and, therefore, I should oppose repealing the existing laws and ordinances on the subject.

I believe, sir, that there will be a decided tendency, in this Legislature, to economize and retrench our State expenditures. I believe the present laws are good, and that the auditor asks nothing but what is consistent with them. It is for you to decide whether these laws should be repealed. I think not, because I regard them as safeguards to both the State and the auditor.

MR. McDONNELL—My reason for offering this act was, that when the clerk took a warrant to the auditor, he was kept there nearly all day, answering useless questions, such as the names of the employes, etc. I don't think it is the auditor's duty to propound such questions. I have been connected with the city government a long time, and never knew the city treasurer to take such precautions when a proper warrant was presented to him.

MR. LASTER—I agree fully with the gentleman in his remarks. When the auditor is furnished with an order, signed by the proper persons, whom he recognizes fully in their official capacity, I do not see how he can refuse to pay it unconditionally. I do not think it lies within the province of the auditor to inquire into the whys and wherefores, since we are supposed to judge whether it is right and proper that it should be paid. When the speaker and the chairman of the Finance Committee sign a warrant, it is to be presumed that they know what it is for. At the end of the session, the warrant clerk will deliver all the books and papers in his possession to the auditor and he can examine them afterwards. I do not think he

should keep our clerks waiting. We appropriate the money, and the warrant, duly signed, is his receipt.

MR. FOLEY—As one of the members of the Committee on Supervising the Expenses of this House, I have found that it is extremely necessary the auditor should have a detailed account of all contingent expenses. For instance, the stationery bill ordered on last Thursday amounted to \$1338 10, and there were other bills which brought up the amount to \$2497 65. Some of these articles, the furniture, particularly, will remain here after the adjournment, and who is going to hold the sergeant-at-arms responsible for what is left, unless the auditor receives a detailed account of all that is paid out? In looking over the contingent expenses of the Constitutional Convention to-day, I found many bills there that did not come within the province of that body to pay at all. There was merely a warrant drawn for the whole amount and signed by the president, and the Convention being the superior power in the State, the warrants were paid without question. Now, has the auditor a right to pay any warrant without a detailed statement, signed by the chairman of the Committee on Supervising the affairs of the House, and the chairman of the Committee on Finance? I say he has not, and that he has a right to receive a detailed account of the expenses.

MR. McDONNELL—I believe the gentleman was a member of the Constitutional Convention, and I would like to know if the auditor was furnished then with a detailed statement. I am assured that it was not done, and I do not see why the Legislature should be compelled to do so.

MR. LASTER—The gentleman asks, "who will hold the sergeant-at-arms responsible?" I think he is a responsible man, and that every thing left in his possession will be turned over, and the auditor has nothing to do with the matter whatever.

The motion to table was then carried by the following vote: Yeas 39, nays 22.

The bill relating to surety on individual bonds, was referred back to the originator for amendment.

A bill from the Senate, on its first reading, entitled "An act to fix the compensation of State tax collectors," was adopted, and referred to the Committee on Ways and Means.

A bill entitled "An act relative to the fees of constable of the Sixth Justices' Court for the parish of Orleans, right bank," on its second reading, was referred to the Committee on Judiciary.

A bill, on its first reading, from the Senate, entitled "An act for the relief of the parish of East Baton Rouge," was referred to the Committee on Parochial Affairs.

The bill for the temporary relief of the treasury of the State was adopted on its third reading.

The bill relative to the payment of certain expenses of the members elect to Congress came up on its second reading.

On motion of Mr. Harnan, it was made the special order of the day for to-morrow.

The House then adjourned until 12 m., Thursday, November 3.

THURSDAY, November 3, 1864.

The House met pursuant to adjournment at 12 m. Prayer was offered by the Rev. Dr. Newman. Sixty-three members present.

The minutes were read and adopted.

The speaker was excused for the day, in consequence of hoarseness, and Mr. Lewis called to the chair.

Mr. Christie offered the following resolution :

Resolved by the House of Representatives, That a committee of five be appointed, with power to send for persons and papers, by the speaker, to ascertain and report if any member or members of the late Constitutional Convention have been guilty of drawing their *per diem* since the adjournment of said Convention ; if so, by whom, and the amount drawn by each member ; by what authority the auditor of public accounts paid the same, and what action may be necessary to cause the money so drawn to be refunded to the State treasury ; also, if any member or members of said Convention, either while in session or since the adjournment, have drawn money from the said treasury, for services rendered the said Convention, other than in their capacity as members of said body.

A motion to table having been lost, the resolution was adopted.

The Committee on Supervising the Affairs of the House submitted a report, stating that they had audited bills for contingent expenses to the amount of \$1,048 95. Adopted.

The Committee on Public Lands and Levees submitted a report and recommended the adoption of a bill attached, appropriating \$10,000 to provide the State land office with maps, field notes and other records.

The rejection of the bill was moved, and the question arising as to whether the bill was debatable, the chair decided that as this was the first reading and no previous notice having been given, all action upon it was out of order.

Mr. Baum moved to lay the report on the table, which was lost and the report adopted.

The chair appointed the following members on the committee on the number of clerks employed by the House : Messrs. Foley, Robinson, Shaw, Pearson and Tully.

"An act to provide for certain expenses of the members elect to Congress." was taken up at its third reading.

The yeas and nays being called, the bill was adopted by the following vote : Yeas 49, nays 19.

MR. BAUM—I move the title of the bill be rejected.

The motion to reject was tabled and the title adopted as follows : Yeas 48, nays 19.

On motion, the House then adjourned until 12 M., Friday, November 4.

FRIDAY, November 4, 1864.

The House met pursuant to adjournment, and sixty-three members responded to roll-call.

The chair announced the following members as a committee to call for persons and papers, to ascertain and report if any member or members of the late Constitutional Convention were guilty of drawing their *per diem* after its adjournment: Messrs. Christie, Michel, Poynot, Breckenridge and Dufrane.

Mr. Foley offered the following resolution :

Be it resolved, That the sergeant-at-arms be and is hereby authorized to purchase eighty-five copies each of the Civil Code and Code of Practice, for the use of the members of the House of Representatives.

MR. INGRAM—I think five or six copies sufficient for the wants of the House. If they were placed on the secretary's table, they could be referred to by the members and considerable expense thereby avoided.

MR. BOVEE—I move to amend by purchasing one for each committee.

MR. BADGER—I move to lay the amendment on the table.

Carried.

The original resolution was then adopted by a vote of 46 to 12.

Mr. Dejean offered the following :

Resolved, That the sergeant-at-arms be directed to procure for the use of the Committee on Judiciary, one copy each of the Acts of 1853, 1855, 1856, 1857, 1858, 1859, and 1860, as the said acts are not in the State library.

MR. BOVEE—I move to lay it on the table.

The yeas and nays were ordered and the motion lost—yeas 14, nays 49.

The resolution was then adopted.

MR. BOVEE—I move the sergeant-at-arms be authorized to purchase a dictionary for each member.

Laid on the table.

Mr. Van Tromp offered the following :

Whereas, In consequence of the great quantity of unfinished business before this House—

Therefore, be it resolved, That this House do assemble daily at 11 o'clock A. M. instead of 12 M., as formerly.

MR. EGAN—I move to lay it on the table.

Lost—yeas 29, nays 44.

The speaker called Mr. Bofill to the chair.

MR. KAVANAGH—I amend to 10 o'clock.

MR. POYNOT—I amend to 9 o'clock.

MR. CREIGH—I move to lay all amendments on the table.

Carried, and the original resolution adopted—yeas 39, nays 33.

Mr. Meeks offered the following :

We, the representatives of the people of the free State of Louisiana, in General Assembly convened, grateful to God, for ourselves and our constituents, for the restoration of our beloved State to loyalty and freedom, do, therefore,

Resolve, That our faith is unabated in the ultimate triumph of our arms, the liberation of our sister commonwealths of the South from anarchy and treason, and the final and permanent reconstruction of the national government upon the basis of freedom and justice.

Resolved, That for the accomplishment of these great objects, we rely, under God, upon the loyalty and devotion of the sovereign people, upon the valor of our soldiers and seamen, and the skill of their leaders ; but, especially, upon the firm hand, clear head, sound heart, and large experience of our national executive, Abraham Lincoln, in whom we trust.

Resolved, That, springing from the people—by the people inspired—Abraham Lincoln has borne the ark of their political covenant to places of safety, through perils from without and within, such as seldom, if ever before, have beset any people.

Resolved, That, therefore, Abraham Lincoln, as the chief magistrate, is entitled to the unwavering confidence of his countrymen. He may be assured of the unshaken adhesion of free Louisiana to his government and policy, whether of the cabinet or the field.

Resolved, That we are but ante-dating the language of history when we speak of Washington, the founder, Lincoln, the liberator of the nation.

Resolved, That to the consideration and acceptance of the representatives of the nation, in Congress assembled, we do earnestly commend the free State of Louisiana—a State that has arisen in the midst of civil war, from the ruins of rebellion to the dignity of a free commonwealth, clothed with the attributes and exercising the functions thereof.

Resolved, That the free State of Louisiana will be forever a monument, fitting to his fame, of the wisdom, patience, patriotism, and great administrative ability of Major General N. P. Banks, the restorer of States.

Resolved, That the free State of Louisiana to the free State of Maryland sends greeting.

Resolved, That the hearty sympathy and encouragement of free Louisiana are hereby extended to our suffering brethren of Tennessee—to the noble men who, under the heroic leadership of Andy Johnson, the worthy friend of the immortal Jackson, are struggling through blood and fire against rebels without and traitors within, to secure those free statal rights to which we have measurably attained.

Resolved, That in Grant and Farragut we do honor the hero representatives of the American army and navy.

Resolved, That to the united gallantry of the army and navy we are indebted for the privilege that, as representatives of the people, we this day enjoy.

Resolved, That to our soldiers and seamen, who are meeting in arms and vanquishing the rebel enemies of their country, to all loyal men who at home are defeating at the polls the auxiliaries of armed rebels, to all sick or wounded leaders, and to private soldiers and seamen—the unnamed heroes of this great conflict—who are in hospitals or prisons, we, the members of the first Legislature of the free State of Louisiana, for ourselves and our constituents, do hereby send hearty greeting and God speed.

MR. SEYMOUR—I move to lay it on the table.

MR. FOLEY—I call for the yeas and nays. I want to see who is disloyal. The motion to table was lost—yeas 5, nays 64.

MR. MICHEL—I move it be referred to the Committee on Federal Relations.

MR. FOLEY—It is a joint resolution, and cannot be referred on its first reading, and I can give reasons why it should not be referred at all. It is merely the opinion of the General Assembly concurring with the acts of Abraham Lincoln and his cabinet. I am informed that a steamer will leave for Washington to-morrow, and these resolutions should be sent forward without delay. Therefore I move a suspension of the rules to put it on its second reading.

MR. CHAMBERLAIN—I think the gentleman in error in claiming for the resolution three readings. Resolutions of any character, joint or otherwise, only require one reading and its adoption, and the sending of it to the Senate is all that is required. I move its adoption.

MR. FOLEY—I move to lay the motion to refer on the table.

Carried.

The resolution was adopted, by the following vote—yeas 62, nays 6.

The rules were then suspended and the resolution adopted on its second reading, and unanimously adopted on its final reading.

The reports of standing committees were presented and adopted without debate.

MR. CHAMBERLAIN—I move that we now proceed with the militia bill, taking up section by section—it is the order of the day.

The bill was then taken up in this way, and the first section adopted without debate.

MR. HARNAN—I move that the whole section be stricken out. This is in conflict with other authority than ours, and our adoption of it will bring us into contempt.

A motion to table this was declared tabled.

MR. H. C. BELDEN—I call the attention of the House to article 67 of our present constitution, that they may know whether the members of this House mean to repeal that article. It is this: "All able bodied men in the State should be armed and disciplined for its defence." This section, now under consideration, has been enacted in accordance with what I have just read, and has defined what description of men are subject to military duty.

How can any one dare say that a man, on the brink of consumption, or any other disease that renders a man physically incapable of performing duty, comes under the force of article 67? When a law cannot be righteous, according to the letter of it, we must seek the spirit and intention of the Legislature passing the law. It is my opinion, that the intention of the Legislature, in enacting this provision, was, (and it is the spirit, genius and gist of the article,) that every able bodied individual should be enrolled,

and afterwards, if any are found incapable of performing military duty, such are to be excused.

Even those who have been in the rebel army, performing duty, though forced—all those who have served Jeff. Davis—must, under the order of Gen. Hurlbut, be enrolled; but, after that, when called into the service of the State, as militia men, they may render excuses. So let it be as it was intended under article 67. Let *all* be *enrolled* by law. Whenever we call for men to repel invasion, to thwart the aims of the rebels, even now almost on the threshold of our State, then, and not until then, are excuses to be rendered.

I am as much in favor as any other gentleman can be, of exempting men who are physically unable of doing duty, but if there are any men in this State or city who can bear arms against this hydra-headed and damnable rebellion, they should come forward and repel it, if possible—though, as I before said, the mere fact of enrollment does not bind a man to serve.

MR. FOLEY—This same article is in the constitution of '52, (art. 59) and was debated in the Constitutional Convention. The convention struck out from that article, "every free white man," and inserted "all able-bodied men." It also struck out: "but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services;" from which I infer that that body was in favor of compelling every able-bodied man, no matter what his religious belief might be, *to bear arms*—not to be *enrolled*. Who are "able-bodied men?" All who are physically capable of bearing arms. This must be decided by the physician designated by the proper authority. Therefore I stand by the Constitutional Convention and will support striking out the whole section.

The motion was lost.

MR. CHAMBERLAIN—I move to strike out in this section, all after the word "constable."

Motion carried.

MR. CHAMBERLAIN—I now move to insert in place of that, "all regularly ordained priests and ministers of the gospel."

MR. FOLEY—I move to strike out "priests," as a priest is a preacher.

Motion lost, and substitute carried.

MR. LEWIS—I move to strike out the words "common drunkard or vagabond."

MR. DUANE—I move to lay that on the table, as that expression applies only to commissioned officers, and I don't think either of them should hold commissions.

Motion to table lost, and prior motion carried.

MR. McCANN—I move to strike out "fifty of the oldest active members," and insert "one hundred."

Motion tabled.

Section adopted as amended.

Section 3 was taken up, when, on motion, carried, the House adjourned to 11 A. M. of Monday the 7th instant.

MONDAY, November 7, 1864.

The House was duly called to order, when prayer was offered by the Rev. Mr. Chubbuck, and a quorum having answered to their names, the minutes being read, were adopted without amendment.

Mr. Foley offered the following resolution :

Resolved. That a committee, consisting of five members of the House, be appointed by the speaker, with power to send for persons and papers, to investigate the contingent expenses of the late Constitutional Convention, with instructions to report if any member or officer of said Convention has been guilty of overcharging for any article or articles furnished said Convention ; if so, whom and the amount overcharged ; and what action may be necessary to compel the refunding of the same, together with the punishment of the guilty party or parties.

Resolution adopted.

MR. LEWIS—I call for a reconsideration of the action of the House, in regard to meeting at 11 o'clock.

Reconsideration carried and motion to meet at 11 A. M. lost.

THE SPEAKER—The House will hereafter meet at 12 M., as heretofore.

Mr. Prescott introduced the following :

Resolved. That from and after the date of this resolution, those who are empowered to purchase articles for the use of this House, or the members thereof, are required to produce the receipts and vouchers for said purchases; the said receipts and vouchers to be referred to the committee for auditing and superintending the affairs of the House, for their examination and approval.

MR. FOLEY—That resolution is entirely unnecessary, as the committee, of which I am a member, requires vouchers.

MR. FURCOTT—I think this resolution a highly necessary one, to protect this House and the public. If the gentleman will refer to the acts of the Constitutional Convention, he will fully understand the necessity to which I allude, and the care which should be taken to avoid a repetition of the same transactions.

Mr. Foley offered the following amendment :

"That triplicates of receipts and vouchers be furnished."

Amendment accepted and resolution adopted.

Mr. Baum presented the following resolution :

Whereas, E. P. Marrionaux, member elect to represent the parish of Iberville, has declined to take his seat in this Assembly ;

And whereas, At an election held in said parish, on the——day of October, 1864, to fill said vacancy, P. L. Dufresne has received the majority of the votes polled at said election ; therefore,

Be it resolved, That the said P. L. Dufresne, member elect of the parish of Iberville, be, and he is entitled to the same *per diem* and mileage allowed other members of this House, from the 3d day of October, 1864.

Adopted.

The Committee on Judiciary reported favorably, by substitute, "An act relative to the jurisdiction of justices of the peace in certain cases," and unfavorably on "An act relative to recording marriages in the parish of Orleans."

Report read and one hundred copies ordered to be printed.

The Committee on Militia reported favorably on "An act to appropriate bounty money to the 1st regiment of New Orleans volunteers."

The Committee on Banks and Banking submitted a report, asking permission to employ a clerk, and to authorize the sergeant-at-arms to secure a suitable committee room.

Adopted.

A report of the committee on mileage was read, giving the distances from the seat of justice in each parish to the seat of government.

MR. LASTER—I move the rejection of the report, and the discharge of the committee.

MR. CHAMBERLAIN—I cannot see any objection to receiving the report, unless the distances given are incorrect. The committee recommend nothing, but only give the actual distances to be travelled. If any gentleman knows of any distance being incorrectly reported, then there may be ground to object; otherwise, there is nothing to object to.

MR. LASTER—I should like to know how some of these gentlemen could have left their homes in the parishes and be entitled to mileage, when they have been here for twelve months. A good many on this floor are not entitled to their seats, when you come to the facts of the case, and I do not see how they can claim their mileage when they were here before they were elected as well as after, and have not travelled at all.

MR. TODD—I think the gentleman is rather premature; there is nothing said about the members getting paid, at all. It is only with regard to distances, that the report is made.

MR. PRESCOTT—The gentleman (Mr. Laster) has made some remarks which may make an erroneous impression on the House. I can only answer for the members from the north of Louisiana; but I am willing to state, on oath, that I saw a number of the gentlemen there, and in Natchez, and accompanied them down; but that some have resided here previously, I do not pretend to deny.

In regard to myself, I came direct from my place of residence, and have not been here for ten years before. I characterize the remarks of the gentleman as untrue. Those who live in glass houses should not throw stones, and

yet he holds two offices, contrary to the constitution. If he insists on the fulfillment of all the requirements of the constitution, let him set the example.

MR. McDONNELL—I would like to ask how many members of this Legislature hold more than one office? I think half of them would be found to be in the same category.

The motion to reject was put and lost, as follows—yeas 2, nays 65.

The report was then taken up and each distance adopted separately, and the report, as a whole, after some amendment, adopted.

The following members gave notice of their intention to introduce bills:

MR. MICHEL: "An act relative to clerks of the Supreme and District Courts."

MR. TODD: "An act to regulate the mode of keeping public accounts."

MR. RIGGS: "An act to regulate and define the duties and powers of administrators, executors, curators and syndics."

MR. H. C. BELDEN: "An act relative to judicial advertisements."

MR. DEJEAN: "An act relative to bonds."

MR. CHRISTIE: "An act to establish a bounty fund for the benefit of Louisiana volunteers, and to organize a Board of Control for the receipt and distribution thereof."

Mr. Tully offered a joint resolution, authorizing our senators and representatives to Congress to use their influence to have a post-office re-established in Algiers, Louisiana, was adopted on its first reading.

The chair appointed on the committee under the resolution of Mr. Foley, to investigate the contingent expenses of the Constitutional Convention, Messrs. Foley, Seymour, Ingram, Van Tromp and Riggs.

By permission of the House, Mr. Foley withdrew his bill relative to the appropriation of money to furnish charts, maps, etc., to the State land office, for the reason that, after a short time, these articles could be procured without expense to the State.

The militia bill was then taken up on its second reading, sections 1 and 2 having already been adopted.

Section 3 was read.

MR. CHAMBERLAIN—I amend the first line so as to read, "It shall be the duty of the State tax assessors," etc. In the Revised Statutes of 1852, it says it shall be the duty of the *State tax assessors* to make these returns.

MR. CHRISTIE—Before that question is put, I wish to say that I am under the impression that there are assessors appointed for this special purpose. The State tax assessors never could make the enrollment.

MR. FOLEY—I wish to know if the bill is on its second reading. I have no recollection of its being read before.

The gentleman was informed that the first reading had been dispensed with, and the first two sections adopted on the second reading.

MR. FOLEY—I do not believe the action of the House is constitutional.—

The constitution declares that "no bill shall have the force of a law until on three several days, it be read over in each house of the General Assembly, and free discussion allowed thereon ; unless, in case of urgency, four-fifths of the House where the bill shall be pending, may deem it expedient to dispense with this rule." There was no call of the House to place the bill on its second reading, therefore I think our action is unconstitutional.

MR. LEWIS—There was no objection made.

MR. CHRISTIE—The bill has already been on its first reading and it was partly read, but the members agreed to suspend the rules, and it was sent to the printer.

MR. CHAMBERLAIN—Cushing's Manual says that "when a bill is of any considerable length, it is *seldom read*, either by the chairman of the committee or the clerk at the table, until it is taken up for consideration. In legislative assemblies, the printing of reports generally renders the reading of them unnecessary."

This bill has been printed and laid on the desks of members.

MR. FOLEY—I believe Cushing's Manual is an old English parliamentary work. Article 37 of the constitution states that bills must be read three times on different days, unless the rules are suspended by a four-fifths vote. I ask for the reading of the journal to see if the reading was properly dispensed with.

The clerk read from the journal : "On motion of Mr. Baum, the reading was dispensed with, and 150 copies of the bill printed."

THE SPEAKER—The chair decides that the bill is properly on its second reading.

The amendment of Mr. Chamberlain was then carried, and the section adopted as amended.

Section 4 was adopted as read.

Section 5 was read.

MR. HARNAN—I move to amend by striking out "three dollars" and inserting "one dollar."

A motion to table was lost, and the amendment adopted by a vote of 25 to 14, after which the section was adopted as amended.

Several sections were then read and adopted without amendment.

Section 9 was read.

MR. LEWIS—In the first sentence I move to strike out "their" and insert "his."

The amendment was carried and the section adopted.

Section 10 was read.

MR. LEWIS—I move to strike out of that section, in regard to veterinary surgeon, the words "with rank of second lieutenant." I never heard of such rank as that in connection with that business.

MR. CHAMBERLAIN—I would inquire then, who is to act in this capacity

and how his pay is to be regulated. He is to be a soldier and it is proposed to give him this rank that he may receive the pay due it.

Mr. LEWIS—I have been in the army, but never heard of such a thing before.

Mr. CHAMBERLAIN—I have been in the army too, and have heard of it. The proposed amendment was tabled.

Sections 11, 12, 13, 14, 15 and 16 were adopted as read.

Section 17 was read.

Mr. MICHEL—In relation to forfeitures, I move to strike out "not less than twenty, nor more than fifty dollars," and insert instead thereof "not less than five, nor more than ten dollars."

Amendment carried.

Mr. CHRISTIE—Mr. Speaker : I move that instead of putting the question upon every section, that it be considered adopted, unless some objection is made.

Motion carried.

Section 26 was read.

Mr. LEWIS—I move that be stricken out entirely.

Motion carried.

Mr. MCGUIRE—I move we adjourn.

The yeas and nays being called. The motion was lost. Yeas 21, nays 30. There being no quorum, the secretary was directed to call the roll, when

56 members responded.

On motion, the House then adjourned until 12 M., to-morrow.

TUESDAY, November 8, 1864.

The House met at 12 o'clock M. pursuant to an adjournment, Hon. S. Belden, speaker, in the chair.

When called to order, the proceedings of the House were opened with prayer by the Rev. Mr. Gulon.

The roll being called, seventy-four members responded.

Mr. DeCoursey, sergeant-at-arms, presented the following report :

NEW ORLEANS, Nov. 8, 1864.

To the honorable speaker and members of the House of Representatives :

GENTLEMEN—Agreeably to your resolution, passed on Friday, Nov. 4th, authorizing the sergeant-at-arms to purchase eighty-five copies each of the Civil Code and Code of Practice, also one copy each of the Acts of the Legislature, from 1852 to 1860, I beg leave to report, that the Civil Code and Code of Practice can only be procured at the expense of \$9 50 per copy. The Acts of the Legislature can be purchased at an expense of \$40 for the set. Before proceeding to purchase, I await your further action.

Respectfully, your ob't servant,

M. DECOURSEY, Sergeant-at-Arms.

Mr. HARNAN—I move it be received and the sergeant-at-arms discharged from further consideration of the subject.

MR. PRESCOTT—Are the statutes referred to, the Revised Statutes?]

THE SPEAKER—Yes, sir.

MR. PRESCOTT—Then I would inform the House that there are some fifteen hundred of them in the state library, of which members can have the use.

MR. FOLEY—Those are merely acts from 1853 to 1860.

MR. PRESCOTT—The state librarian informed me differently.

MR. FOLEY—It will be necessary to rescind the resolution under which this report has been presented, and I accordingly make that motion.

Motion carried.

MR. FOLEY—I now move that the sergeant-at-arms be authorized to procure ten copies of each of the works, for the use of the House.

Motion carried.

A message from the Senate notified the House of its readiness to proceed, in joint session, to the election of presidential electors.

MR. CHAMBERLAIN—I move that this be received, and some hour be fixed upon at which the House will meet with the Senate, of which the clerk inform the Senate.

MR. HOWES—I would amend by inserting “immediately.”

Amendment accepted, and motion carried.

The joint session was then convened.

THE SPEAKER—Gentlemen: The two Houses of the General Assembly are now in joint session, for election of presidential electors for president and vice-president of the United States. The nominations are now open.

MR. HILLS—I move we first proceed to the election of electors at large.

Carried.

MR. MONTAMAT—I wish to know whether a plurality or majority vote elects?

THE SPEAKER—The House decides that.

MR. MONTAMAT—I move we proceed to elect one at a time.

Carried.

Mr. Lara offered the following:

Resolved, That no member of the General Assembly shall be eligible as presidential elector for the year 1864.

Ma. Jones moved to table, which was lost, and the resolution adopted.

MR. MONTAMAT—I move that a majority vote elect

Motion carried.

MR. O'CONNELL—I ask for information. By section 1 of the act in relation to the election of electors for president and vice-president, the vote is to be by ballot, while, according to our rules, every vote must be *viva voce*. There seems to be a conflict.

THE SPEAKER—There is no conflict, for this is a national question, and a vote taken in either way will be binding.

MR. O'CONNELL—I move, then, that it be taken *viva voce*.

On first ballot for one elector of the State at large, there was no choice.

MR. MICHEL—I move the two highest stand as candidates.

MR. BAUM—I amend to “three.”

Amendment accepted, and motion carried.

Mr. W. T. Stocker was, on second ballot, duly elected, and afterwards unanimously declared the choice of the House.

Several nominations were then made for second elector at large.

THE SPEAKER—The nominations were closed on the first ballot.

MR. MONTAMAT—The nominations were for the first elector; now we are to proceed to the election of a second one.

THE SPEAKER—The nominations were, as I understood, for two electors; and now, having elected one, we are from the same nominations to choose a second elector.

MR. GASTINEL—Then there are only two candidates before the House?

THE SPEAKER—All the candidates first put in nomination are still before the House; their having been beaten on the first does not preclude them from running on the second ballot.

MR. GASTINEL—I do not wish to differ with the chair, and therefore ask for a reconsideration of the closing the nominations.

Motion laid on the table.

MR. HILLS—Mr. Speaker: If my recollection is good, we voted to proceed to the election of two electors at large, separately. We have elected one, and now are to elect another. It seems to me that nominations are just as much in order on this occasion as before. Do I understand that the chair has decided adversely to this position?

THE SPEAKER—The chair decides that the nominations were closed by the motion of the House when first put in nomination; that motion being, that nominations be made for two candidates for presidential electors of the State at large, and then that they should be voted for separately; which did not invalidate the motion declaring the nominations closed.

The second elector was then voted for.

MR. HILLS—I believe that the country is entitled to one of the electors at large, and therefore vote for Mr. Posey.

Mr. Alfred Shaw was unanimously declared elected presidential elector of the State at large.

Mr. Woolley was declared the elector chosen for the First Congressional District, over Messrs. Leamont and Millsbaugh, nominated against him.

Among the nominations for elector in the Second District, occurred that of Mr. Stauffer.

MR. FOLEY—I think Mr. Stauffer is ineligible, as he holds an office in the United States government.

THE SPEAKER—The question simply is, whether he is a citizen of the Second District.

MR. BAUM—He is in the Customhouse, and therefore cannot run.

MR. FOLEY—That is true, for no person holding an office of trust or profit under the United States can be a presidential elector.

Capt. Stauffer's name was withdrawn.

J. Randall Terry was duly elected as presidential elector, against Messrs. Fosdick, Henderson, Heath and Patterson, opposing candidates.

MR. O'CONNELL—I desire to know whether Judge Cazabat, who has been nominated for elector of the Third District, is a resident of the First District, or of Plaquemine.

THE SPEAKER—Of Jefferson.

First roll-call for elector of Third District was indecisive.

MR. HILLS—I move that the next voting be confined to the two candidates who have received the highest number of votes upon this roll-call.

Motion to amend to three, was tabled, and the original motion carried.

MR. J. E. Schaffer was declared duly elected, against Messrs. Posey, Cazabat and Payne, opposing candidates.

The first ballot for elector of the Fourth District, was indecisive.

MR. HILLS—I move that only the two highest be voted for on the next call.

The motion to amend to three, was tabled, and original motion carried.

The name of Mr. Lawton was called in due course.

MR. LAWTON—I do not wish to vote for either of the candidates, but for Mr. Ennis.

THE SPEAKER—It is to be hoped that on this occasion, around which cluster the destinies of our nation, no member will refuse to vote, but will preserve the dignity and decorum of this body.

MR. LAWTON—I do not decline to vote, but wish to vote for Mr. Ennis.

MR. MONTAMAT—I move the gentleman be allowed to vote as he wishes.

Motion carried.

This roll-call resulted in the election of Mr. Belden, as elector from the Fourth District, against Messrs. Ennis, Barlow, Swain and Burgess, opposing candidates.

The list of candidates for the position of elector from the Fifth District was read.

MR. HILLS—The name of Mr. Normand has just been read as a candidate. I wish to know if he is a resident of the Fifth District?

MR. NEWELL—I am personally acquainted with him and know him to be a member of that district.

MR. CHRISTIE—I wish to state that Mr. Taliaferro, who is a candidate, is a refugee from the Fifth District.

MR. BOYCE—According to the apportionment of districts by the Constitutional Convention, the parishes of Avoyelles and Rapides are in the Fourth District. Mr. Normand is a resident of the parish of Avoyelles, and therefore in the Fourth District.

MR. HILLS—His name should be erased from the list of candidates.

MR. FOLEY—I nominated the gentleman, and now withdraw his name.

Mr. Hamilton was declared elector from the Fifth District against **Mr. Talliaferro**, the opposing candidate.

The electors chosen, were, in course, unanimously declared the choice of the House.

MR. MONTAMAT—I beg leave to offer a resolution.

THE SPEAKER—All resolutions will be acted upon in separate session of the respective houses. This joint session was convened for the purpose of choosing Presidential Electors: that duty having been accomplished, the senators will now repair to the Senate chamber.

On motion, carried, the House adjourned until 12 m. to-morrow, the 9th instant.

WEDNESDAY, November 9, 1864.

The House met, pursuant to adjournment.

Mr. Prescott offered a resolution, reducing the number of papers to be henceforward allowed each member to two, and the evening editions thereof.

The committee to whom was referred that subject, reported in regard to clerks of courts.

Mr. Foley submitted a minority report, which was adopted.

Mr. McDonnell: A joint resolution relative to pensions.

Mr. Howes: Joint resolution relative to messenger of vote of Louisiana to electoral college.

Mr. Belden: Joint resolution relative to presidential electors.

The consideration of the militia bill was resumed, and it was adopted as far as section 36 without important amendment.

In section 36, it was proposed to insert "\$1500," instead of "\$4000," as salary of adjutant general of the State.

MR. CHAMBERLAIN—**Mr. Speaker**: I wish to say a word upon this bill, for I am of opinion that the militia must be organized on a war footing, fitted to proceed to extremities. Officers in the regular army, in active service, certainly receive larger salaries than it is proposed to give for the performance of the same duties to our State officers. Heretofore, offices in the militia have been mere sinecures, but now it will be different—exactly the reverse—and if those who fill these offices do not receive a fitting salary, they will not perform their duty.

A general in the militia should receive as much as one in the regular army, and we do not want a man to hold the office under consideration, whose services are not worth more than twelve hundred dollars per annum. He will not be competent for his duty; and, instead of having a well-disciplined army of militia, to sweep this State clear of the rebels who infest it, it will

be a nullity, because no man, of abilities sufficient to fill the position, will stoop to serve for such remuneration as these men propose to give.

MR. SERMOUR—I, for one, shall object to such salaries. The present bill of militia will not be enforced until peace reigns over our once happy State. Gen. Hurlbut has issued his edict concerning the militia, and we all know that he will carry out his order without any reference to our acts.

The salary of the adjutant general is, under the constitution, fixed at \$5000. It is too much; the office is nothing but a sinecure. Why is Adjutant General Swift not here driving out these guerrillas and bushwhackers, instead of making stump speeches throughout the Northern States? I vote no, no, no.

MR. CHRISTIE—Mr. Speaker: I am sorry to see a propensity existing in this House to defeat the measures presented by this bill, and have felt a little surprised to see a tendency in this House to ridicule the means used to pass this bill. We have heard it frequently said that the order of Gen. Hurlbut has taken this matter out of our hands, but that is not the question for us to decide upon now. We are here to decide whether or not we will establish a loyal militia in this State, and that we must settle whether we wish to or not. I hope that the adoption of this or some other bill will secure to the State this great desideratum.

I think there is too much lukewarmness about this, and am surprised that men who pretend to be loyal are so indifferent, and say we do not want this bill, because the order of Gen. Hurlbut has settled the matter already. I deny this, and say that Gen. Hurlbut has not taken, and will not take it out of our hands, but has left it for us to dispose of. I thank God that I live in this State at this day, and wish to see this bill adopted by the House, with the officers well paid for their services. The offer of fifteen hundred dollars a year is, I think, an insult to the loyalty of a Louisianian. [Great applause.] Fifteen hundred dollars for the salary of an officer whose duties and labors are, in my opinion, next to those of the governor himself!

A gentleman has said, that he will perform all these things for fifteen hundred dollars per annum. I would like to see him manage a body of men taken from the streets; for I hardly think he could do it. We want a man, who, with this material can organize and perfect such a body of men as will be to you a bulwark of defense. This is not to be a diversion, a mere play, a by-word, but a reality; it is for doing this that the officers at the head of this work are to be well paid for their service. It is not a question of dollars and cents, but it is a question involving our safety, our welfare and that of the whole interest of Louisiana for the future. I understand that the former adjutant general received a salary approaching to five thousand dollars.

MR. LEWIS—I call the gentleman to order. That question has already been passed upon.

MR. CHRISTIE—I am speaking of the general principles. Every gentle-

man has a right to speak his sentiments upon this subject, and I want to know to-day whether you will take up this bill and adopt it, as you should. I have not lived in vain until this hour if this bill is enacted. It has been the struggle of the loyal heart of Louisiana for the last three years, and we must come up to our work like men—like men who have a heartfelt interest in this bill. I, for one, would like a reconsideration upon this question of the salary already passed upon. I want this bill pushed forward, and I want every man to decide now whether this bill interests him or not.

I have felt heretofore that this bill was to be ridiculed at every stage of the proceedings; but there has been too much of this, and I hope that every gentleman will express his opinion on the subject, and that the chair will allow the largest possible freedom on this occasion.

MR. PRESCOTT—I have a few remarks to offer on the subject. The gentleman accuses us of a want of patriotism. Now among these very gentlemen so accused—

MR. CHRISTIE—I deny the assertion. I accuse no man of the want of patriotism; but I wish to see this patriotism—

MR. PRESCOTT—Never mind, it amounted to that, whether the charge is made by implication or otherwise. Some of my friends thus alluded to have made as great sacrifices as any in the country. They have fought against the Confederacy, have rendered their service to the Union army, and have lost—as I myself have—they have lost almost all for that Union. I myself have held a high position in this government for which we are fighting, and I am in favor of doing whatever does not conflict with the military authorities. However, I regard the militia bill as a prospective measure, for I think the time is far distant when it can be put into active operation.

You must recollect that there are a great many posts on the Mississippi river which were early occupied by the Confederate authorities, which caused a great drain of men from many parts of the State, thus rendering the available number of men to be enrolled very small. These posts have now been occupied by United States troops, and to attempt now to supercede them, would be to come in conflict with them. Another reason why this bill cannot go into operation is, that in the census of 1860, only fifty thousand men appeared as the available force of the State. It is shown by statistics, that no less than (44) forty-four regiments were raised in our State alone, for rebel service, and also, that not less than ten thousand men, Louisianians, either by birth or adoption, are serving in the Federal army. At Natchez, where I have hitherto resided, I, myself, assisted in organizing a regiment composed almost exclusively of Louisianians. Adding the number in the Federal service to that in the rebel army, and it exhausts nearly the whole population of Louisiana, capable of bearing arms; so nearly, that I do not believe fifteen thousand able-bodied men can be found at the present moment.

within our State, while to say that there are ten thousand, would be, in my opinion, a liberal estimate.

We must recollect, also, that a great number of the men referred to are disloyal, and that if you put arms and ammunition into their hands, you are, in effect, equipping formidable bands of guerrillas, who are more to be feared than ten times the number of regular troops. Of the truth and force of this statement, I have had a personal and painful experience, which impresses me most forcibly with the opinion that it would be entirely inexpedient to arm the people at large, until our domestic difficulties become somewhat more settled.

In Missouri, the country is overrun with guerrillas, who have been furnished by the government with their arms, and we may depend upon it, that if we carry into practice this policy of putting arms into the hands of every man, the same state of affairs will be inaugurated here. Therefore, I do not think it would be feasible to put this bill into actual operation at the present time, though such a bill can be enforced when the former condition of things is again reinstated.

I think that gentlemen who are fully acquainted with the aspect of affairs throughout the State, will admit the justice of these remarks, and therefore, the force of the argument that this bill must be simply prospective.

I have no objection to the appointment of all these gentlemen ; but if they are appointed now, what is the consequence ? It is that these offices become mere sinecures. These incumbents have nothing at all to do, and I say that fifteen hundred dollars is salary enough ; therefore, if we are compelled to pass such a bill, I think that we should not only consider the subject in all these views, but should also bear in mind the depletion of the State treasury, and the burdens of the people upon whom it is now proposed to place a still greater weight.

MR. CHAMBERLAIN—The gentlemen who oppose this bill do so principally on the ground that it is to take effect only in the future. I would ask these gentlemen if they regard the order of Gen. Hurlbut as being any more than a prospective measure ? I would also ask them if they do not believe that it is to be pushed through—if the militia are not to be called out immediately, and why is it to be ? I say that this order is to be carried out immediately, and that the object of it is the calling out of the militia to rid the State of these guerrillas which infest it. If this can be done under the order of Gen. Hurlbut, can we not do it under the order of Gov. Hahn ?

Another thing : I have been credibly informed that the order to which I have referred, was issued only because the Legislature had failed to do its duty in regard to passing this bill, and that as soon as it has been once acted upon, Gen. Hurlbut will rescind his order and hand the militia over to Gov. Hahn, to be officered and called out by him, the same as he will himself do if we fail in doing our duty.

The gentleman says again, that we cannot raise more than fifteen thousand men for the militia of this State. Adjutant General Swift says, that with ten thousand men, he can clear the State of every guerrilla in it, and so, also, can Gov. Hahn. It is an acknowledgment of our weakness to allow Gen. Hurlbut to step in and perform the duties properly belonging to us, both in regard to this and the "gambling" bill.

MR. MEEKS—Is the gentleman speaking by authority?

MR. CHAMBERLAIN—I speak from what has been told me by officials of the government, when I say that the order of Gen. Hurlbut will interfere with no action of the Legislature, and that it was issued merely on account of our neglect—not because of any desire on the part of the military authorities to interfere with the duties of Michael Hahn, as governor of the State.

MR. SKYRMOUR—My objection is not to a militia bill, because I wish to see it carried through; but I do object to having such salaries paid as are proposed, and to such men. Adjutant General Swift is liberally paid for attending to his duties; why then is he not here instead of stumping the Northern States, as I see by the morning papers that he is doing. This is the reason why I object to paying such salaries, though I hope that with this exceptionable feature stricken out, the bill will pass.

MR. PASSCOTT—Mr. Speaker: I must disagree with the gentleman who says that the order of Gen. Hurlbut was issued because the Legislature had neglected to pass a militia law. This must be a mistake, because I was enrolled at Natchez, under an order of Gen. Canby's, of similar tenor, some six or seven weeks before this House met. How is it possible that the reason given by the gentleman can be correct? We are not to be blamed for not passing a militia law, when we had no existence, and to say that we are, is certainly to state a solecism.

The proposed amendment was tabled—yeas 44, nays 19.

MR. FOLEY—I have a substitute for the whole matter, to strike out after the word "thirty-five hundred," so as to make the section read "the same to be paid only during the time the militia are in actual service of the State, for the purpose of repelling invasion or the suppression of insurrection." I move the adoption of this substitute.

MR. SKYRMOUR—I object to the salary, and therefore move to lay the substitute on the table.

The motion to table was lost, when the adoption was moved.

MR. SKYRMOUR—In behalf of the poor tax-payers, of whom I am one, I vote "No, no, no."

The substitute was adopted, immediately after which, the House adjourned.

THURSDAY, November 10, 1864.

The House met, pursuant to adjournment, sixty members present.

Prayer was offered by the Rev. Dr. Newman.

The minutes were read and adopted.

Mr. McDonnell offered the following :

Resolved, That the sergeant-at-arms be and is hereby authorized to employ four citizens to act as police officers of this House, said citizens to be in no manner connected with the city police.

Be it further resolved, That said officers shall be entitled to receive \$2 50 per day, each, for their services during the session.

The resolution was tabled by a vote of 38 to 19.

Mr. Miller offered the following :

Whereas, Owing to the depleted condition of the State treasury, it is desirable that the strictest economy should be practised ; therefore,

Be it resolved, That as a daily official newspaper report is entirely unnecessary, and as the official printer is required by law to furnish a full report of all the proceedings of the House, at the end of the session, the official printing of the proceedings in a daily journal is hereby discontinued.

MR. CHAMBERLAIN—I am opposed to the resolution decidedly, because I think our acts should be canvassed by our constituents. How are they to learn what is done in this House, unless it is conveyed to them by means of a newspaper? I know the official printer is compelled to publish the acts of this House in an official form at the close of the session, but then it is published in book form, and only distributed to members of the House. Our constituents know nothing of our action, and I believe no man can be opposed to allowing his acts to be canvassed by his constituents, save those who are ashamed of what they have done. I am in favor of allowing some paper to publish the official acts of this House, for the reason that there can be no dispute about its authority. Take any paper and compare its report with the official, and there will be found to be discrepancies between them ; but if one is official, there can be no dispute as to which is correct. Upon these grounds I shall oppose the passage of the resolution.

MR. MEEKS—I do not understand that the resolution is offered through any fear of the public knowing what the House has done. That is not the spirit of the resolution ; but the idea is, as far as possible, to economize. The paper charges one dollar per square, while all the papers publish the proceedings of the House daily on their own account, and I do not see the necessity of this body going to any expense. The Senate has already stopped this expenditure, and I think we should take the same course.

MR. FOLEY—I am opposed to the adoption of the resolution, for this reason, that it is unconstitutional. There is an article in the constitution that *requires* the publication of the proceedings weekly, in the official journal. If the gentleman will modify it so as to read weekly, I will vote for the resolution, and will go further, and vote that the journals shall be set up in solid agate, instead of in the manner as done at present.

MR. H. C. BELDEN—I fully concur with the views of the last speaker. I am

utterly opposed to the passage of any resolution that will cut off from my constituents and the citizens of this State, who have sent us here, a knowledge of our acts. It has always been the custom, in every country, for the official paper to publish the transactions of such a body.

We are passing laws daily, and the people of Louisiana are looking with interest to our proceedings, and the question is, shall they be entirely cut off from a knowledge of our transactions until the close of the session? I say, no. The price charged by the official paper is only fair, and what other respectable papers are charging. I shall vote to table the resolution.

MR. PRESCOTT—In addition to the objections already made, I have another and, I think, one equally important. The proceedings, as published in the official journal, are more full and exact than those in any other journal, and the laws we enact are published from and after their passage; consequently they are promulgated at once, and scattered broadcast over the land, and our legislation becomes accessible to those who wish to inquire into it. If we abolish the printing of the official journals, the consequence will be, we shall pass laws for which the public are responsible, and they will know nothing about them.

The laws will not be published until the journal is published, of which only one, or a limited number of copies are furnished the members, and practically it will be a sealed book to our constituents. If published in the official paper, these acts will be copied into other papers, and thereby widely disseminated. Therefore I must say I am unequivocally opposed to the resolution.

MR. FOLEY—I offer the following substitute :

Be it resolved, That the official printer be instructed to print the proceedings of this House weekly—the same to be printed in agate type, solid.

MR. CREIGH—I move to lay the substitute on the table.

Carried.

A motion to table the original resolution, was carried as follows—yeas 44 nays 19.

Mr. Foley offered the following, which was adopted :

Resolved, That the official printer is hereby instructed to publish daily the proceedings of this House—the same to be printed in agate, type, solid.

Mr. Michel moved to suspend the rules in order to take up a bill returned from the Senate, with amendment, relative to the salaries of officers of the General Assembly.

The motion was carried, and the bill and amendment read. The Senate amended the salary of the sergeant-at-arms of the House, from \$2500 per annum to \$2000; and the assistant secretary of the Senate, from \$8 per day to \$1800 per annum.

MR. FOLEY—I don't see why a distinction should be made between the assistant secretary of the Senate and the assistant clerks of the House. I

believe the duties of one are as honorable and laborious as the other, and I never read that the assistant secretary of the Senate was employed by the year. Therefore I move to disagree with the amendment.

MR. LASTER—I move to amend the salary of the sergeant-at-arms of the House to \$2500 per year.

MR. CHAMBERLAIN—I would amend so as to concur with the Senate in regard to the salary of their assistant secretary, and request their concurrence in the salary of our sergeant-at-arms. They have increased the salary of their assistant secretary to \$1800 per year, and decreased the salary of the sergeant-at-arms of the House.

MR. FOLEY—I believe \$2000 is enough for any sergeant-at-arms, but I do not concur with the Senate in fixing the salary of the assistant secretary at \$1800 per annum. He is not required during the whole year. The only officers necessary to employ by the year are, the two sergeants-at-arms, the chief secretary and the chief clerk. I move we concur in the amendment regarding sergeants-at-arms.

MR. LEWIS—I move to lay the motion of Mr. Laster on the table.

Lost—yeas 30, nays 32.

MR. MEEKS—I move we concur with all the amendments of the Senate, except that referring to the assistant clerk of the Senate.

A motion to table being lost, the motion was adopted.

MR. FOLEY—I move that a committee of five be appointed to confer with a like committee from the Senate, in regard to the differences.

Carried.

The chair appointed Messrs. Foley, Meeks, Lewis, St. Martin and Evans.

Mr. Laster moved a suspension of the rules, to take up his bill, on the second reading, relative to authorizing the city of New Orleans to make certain local improvements.

The motion to suspend being lost, with the permission of the House the member withdrew the bill.

The order of the day was then taken up, and the consideration of the militia bill resumed.

Section 38 was read :

Section 38. The commissary general and the surgeon general of the State shall obey the orders of the commander-in-chief, and shall be respectively charged with the purchase and issue of all military subsistence, and medical, surgical and hospital supplies, respectively, and for their services they shall each receive the sum of at least \$2500 per annum, payable quarterly, by the State treasurer.

MR. FOLEY—I offer the same amendment as was made to section 37, inserting after "per annum" the words "the same to be paid only during the time the militia are in actual service of the State, for the purpose of repelling invasion or suppressing insurrection."

Adopted.

Sections 39, 40 and 42 read and amended as the previous section.

MR. CHAMBERLAIN—I move the adoption of the following additional article:
 “No general or staff officer shall be appointed on the militia in this State, who is not a citizen of the State of Louisiana.”

Adopted.

Section 14. Any non-commissioned officer or soldier who shall sell or dispose of his uniform, or secrete or remove the same with intent to sell or dispose thereof, shall be deemed guilty of a misdemeanor, and be punished by a fine not exceeding two hundred dollars, and by imprisonment in jail not exceeding six months.

MR. BADGER—I amend to a fine not exceeding \$100.

Carried.

Other sections were adopted without amendment.

MR. TODD—I move to strike out “clerks,” and insert “orderly sergeants,” in section 50.

Laid on the table.

Section 54. All fines, penalties and assessments may, in addition to other remedy thereon, be recovered on complaint of the clerk; and every non-commissioned officer and private, holden by law to do military duty, and neglecting to appear without sufficient excuse at the time and place appointed for such duty, shall forfeit and pay as follows:

For absence from any inspection, company training, company or squad drill, special duty, escort, election, camp or review, four dollars for each offence.

MR. KAVANAGH—I move to amend to “one dollar.”

Laid on the table.

Section 55. Every non-commissioned officer or private who appears at a parade or drill required by law, deficient in any arm, equipment or uniform, furnished him by the State, or required of him by law or general order, or with such arms, equipments or uniform unserviceable or in bad condition, shall forfeit five dollars, to be recovered on complaint of the clerk.

MR. CHAMBERLAIN—I move to strike out “five dollars,” and insert “the value of the articles destroyed.”

Laid on the table.

Section 75. Every other commissioned officer of the militia shall receive for each day's duty in camp, two dollars, and each non-commissioned officer and soldier one dollar and thirty cents. Every member of a mounted company shall receive three dollars per day in addition to the compensation hereinbefore provided, which shall include keeping and forage for horses.

MR. CHAMBERLAIN—I move to strike out “three dollars” and insert “two dollars.”

Laid on the table.

MR. BADGER—I move to strike out “one dollar and thirty cents” and insert “one dollar and fifty cents.”

Laid on the table.

MR. FOLEY—I amend to three dollars.

Laid on the table, and the first amendment adopted.

MR. FOLEY—I move to strike out “five cents,” in the first paragraph, and insert “twenty cents,”—the mileage of officers in section 78.

Adopted.

MR. BRECKENRIDGE—In section 82 I move to strike out “respectable physician,” and insert “professional physician.”

Adopted.

Section 83. No surgeon or assistant surgeon of a regiment shall be entitled to receive any fee for the examination of any soldier of the same regiment applying for exemption from military duty, but any other medical officer shall charge twenty-five cents only for such examination and certificate of exemption, and any person violating this section shall forfeit fifty dollars, to be recovered on complaint of the adjutant, to the use of the regiment.

MR. EGAN—I move to substitute “two dollars and fifty cents,” for “twenty-five cents.”

Laid on the table.

MR. HARNAN—I move to amend by striking out all after “military duty.”

Laid on the table.

MR. KAVANAGH—I move to strike out “fifty dollars,” and insert “not less than five dollars, nor more than fifty dollars.”

MR. CHAMBERLAIN—I am opposed to it, because anybody can afford to obtain a certificate of exemption for five dollars. I would amend to one, or five hundred dollars, since it is the punishment of the medical officer who gives an improper certificate. Fifty dollars is too small and I amend to one hundred and fifty dollars.

MR. MICHEL—I move to lay all amendments on the table.

Carried.

MR. HARNAN—In section 88, relating to payment of fines, I don't see why regimental officers are any better than privates, except in position; therefore, I wish them to be liable to penalties as well as the privates, and, therefore, move to insert, “all commissioned officers shall be liable to a penalty of—dollars, the same as privates; *provided*, that the complaint be made by three or more of any company or regiment.”

The amendment was adopted.

MR. MICHEL—In section 92, I move to strike out, “the party tried paying a reasonable sum for his copy.”

Carried.

Section 94. In this section the word “soldier” shall include company musicians, and all persons in the militia, except commissioned officers, and the word “company” may include battery.

MR. HARNAN—I move to strike out, “except commissioned officers.”

Carried.

Section 95. If elders or overseers of a society of Quakers or Shakers give the certificate provided in the second section to a person who does not profess the religious faith of their society, or who is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or over-

seer so offending shall forfeit \$200 to the use of the State, and be imprisoned not exceeding six months.

And any person claiming to be exempted from enrollment, by virtue of such a certificate, who does not profess the religious faith, or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, and fails to do so, shall be liable to serve, or treated as a deserter.

MR. BADGER—I move to strike out the whole section.

Carried.

Section 96. Keepers of taverns or boarding-houses, and masters and mistresses of dwelling houses, shall, upon the application of the assessors, or any officer or non-commissioned officer of the militia, within whose bounds their houses are situated, or of persons acting under them, give information of the names of persons residing in their houses, liable to enrollment, or to do military duty; and every person liable to enrollment shall, upon like application, give his name and age; and if such keeper, master, mistress or person refuses to give such information, or gives false information, such keeper, master, mistress or person shall forfeit and pay at least \$100 for each separate offence, to be recovered on complaint of either of the assessors, or officers, or non-commissioned officers aforesaid, or to be imprisoned for a term of not less than one year.

MR. LEWIS—I move, after officer of the militia, to insert, “properly authorized.”

Tabled.

MR. BADGER—I move to strike out “\$100,” and insert “\$200.”

MR. KAVANAGH—I move that they forfeit not less than \$5 nor more than \$50.

A motion to lay all amendments on the table was carried.

MR. KAVANAGH—I move to strike out “one year,” in the last line, and insert “one month.”

Adopted.

MR. CHRISTIE—I move to insert, after “are situated,” the words, “provided he show his authority.”

Adopted.

MR. HARNAN—I move to strike out “\$100,” and insert “\$50.”

Tabled.

Section 97. Civil officers named in this section, neglecting or refusing to obey its provisions, shall, on conviction, except as otherwise specially provided, forfeit not less than \$20 nor more than \$500.

MR. MICHEL—I move to substitute “\$100” for “\$500.”

Carried.

The remaining sections were adopted as read, without amendment.

MR. CHAMBERLAIN—Before the bill is adopted as a whole, I wish to offer another amendment. The bill does not fix the time that any officer shall hold his office. I therefore move to insert in section 11, after “appointed as follows,” the following words: “and shall hold office for the term of five years.”

MR. MICHEL—I amend to four years.

H7

Amendment accepted and adopted.

The bill was then adopted as a whole as amended.

A motion was made to adjourn.

MR. EGAN—I move a reconsideration of the vote yesterday, in regard to clerks.

MR. FOLEY—The gentleman is out of order. A motion to reconsider must be made before the order of the day is taken up.

MR. EGAN—There was no time ; the rules were suspended to take up the order of the day.

MR. KAVANAGH—The gentleman is mistaken ; the rules were not suspended. There is a motion pending to adjourn ; I call for that motion.

MR. POYNOT—The motion to adjourn is to prevent a reconsideration of this vote. I think it is rather hard that any member should be deprived of this privilege.

MR. CHAMBERLAIN—If the rules were suspended before the time arrived when the motion to reconsider could have been put, then the motion can come up the next sitting day.

THE SPEAKER—If the rules were suspended so as to prevent a motion to reconsider, it can come up to-morrow.

MR. EGAN—I move a suspension of the rules to reconsider.

Lost by the following vote—yeas 37, nays 33.

MR. FOLEY—I move to adjourn.

MR. BOFILL—I offer the following in this connection :

Resolved (the Senate concurring), That both Houses of the General Assembly do adjourn on Monday, November 14, 1864, at 3 p. m., until the day fixed for the regular session.

MR. KAVANAGH—I move that it be rejected.

MR. BOFILL—I think we ought to wait before we proceed any further with legislation, and see whether our representatives to Congress will be admitted or not. If they are not admitted (although I hope and believe they will be), we are only incurring expense to the State, and therefore I think we ought to wait and see.

MR. HARNAN—The State is in a very embarrassed condition at the present time. There are 15,000 recipients for charity, and I think it is a matter of justice to adjourn until we know whether or not our representatives are received.

MR. WHEELER—It appears to me should we adjourn at that time, it would appear that we had some doubts about being received into the Union. I contend that we should do our utmost to keep this matter progressing, and if we carry out the principles that we are pledged to in coming here, we shall be received back into the glorious Union, and the stars and stripes will wave over us forever.

MR. PRESCOTT—I think such adjournment would imply a doubt of our

being officially recognized ; but if I can read the signs of the times, there is no reason for any doubt. If we adjourn under the impression that our admission is not perfectly sure, that impression will go abroad, and have an unfavorable influence at the North, and affect us injuriously. There is the further consideration of the immense amount of business before the House. The whole Civil Code has to be changed, for public sentiment appears to be opposed to the old one ; it is predicated on institutions that have passed away, I trust forever, never to be resuscitated. We are placed in a peculiar and important position, and we must prepare to meet these responsibilities ; therefore I think we ought to proceed with the business of the House, for not less than ten months will be occupied in performing that business.

MR. KAVANAGH—I call for the yeas and nays on my motion to reject.

The motion prevailed—yeas 48, nays 9.

On motion, the House then adjourned until 12 M. Friday, November 11.

FRIDAY, November 11, 1864.

The House met pursuant to adjournment at 12 M. Sixty members present.

The minutes were read and adopted.

A petition from citizens of the Third District was read, asking the removal of the nuisance wharf at the foot of Montague street.

MR. COOK—I move it be referred to the mayor.

MR. KAVANAGH—I move to lay that motion on the table. I am in favor of this House acting on the memorial.

MR. CHRISTIE—I do not think it is proper for this House to refer anything to the mayor. The question is to reject, or act on the petition.

The motion to table was lost, and the motion to refer carried. Yeas 29, nays 22.

MR. BOUDREAU offered the following resolution :

Resolved, That a committee of three be appointed to inquire into, and report to this House, who, if any, of the members of the House of Representatives are violating the constitution by holding or exercising any other civil office of trust or profit, and report the kind of office they hold.

A motion was made to table.

MR. BOUDREAU—I move a suspension of the rules to allow the resolution to be debated.

Lost.

The motion to table was also lost. Yeas 30, nays 34.

MR. KAVANAGH—I wish to know if the question is now debatable.

THE SPEAKER—It is.

MR. BOUDREAU—Article 90 of the constitution of Louisiana requires the members of the General Assembly to take the following oath :

“ I, (A B) do solemnly swear, or affirm, that I will support the constitu-

tion and laws of the United States and of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding. So help me God."

Article 123 says: "No person shall hold or exercise, at the same time, more than one civil office of trust or profit, except that of justice of the peace."

Thus every member solemnly swears to support and obey the constitution, and yet there are many gentlemen in this House who hold their places in direct violation of the article above quoted. If there is any gentleman who can justify this, I should like to hear him.

MR. FOLEY—As I am attacked by the gentleman, since I hold another office, I think it is my duty to reply. From the articles he has read from the constitution, he would intimate that every member holding another office is guilty of perjury. If you will refer to the distribution of powers, you will find that the "powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them shall be confided to a separate body of magistracy, to-wit: those which are legislative to one, those which are executive to another, and those which are judicial to another. No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed, or permitted." According to this, there are certain persons holding these various offices of the State. Who are the executive officers of the State? There is only the governor, lieutenant governor, auditor, treasurer and secretary of state. I ask the gentlemen on this floor if any of these officers are in the Legislature? Who are the members of the judiciary department? The judges of the Supreme and Inferior Courts and the justices of the peace. The justice of the peace is the only man, according to this constitution, that is permitted to hold any other office. Now is there any man on this floor that belongs to the judiciary department of this State, besides the justices of the peace who, by article 123, are permitted to sit in this body? What is the legislative department? This is it. You cannot show me that there is an executive or judicial officer in this House who is not expressly allowed to be here. I say article 123 does not apply to any other than the executive and judicial officers.

When the gentleman asserts that any member of this body has violated the constitution, he states what is not true. If you will refer to article 35 you will find that no person who has been a collector of taxes, or otherwise entrusted with public money, shall be eligible to the General Assembly until he has obtained a discharge for the amount of the money in his possession. If article 123 refers to all officers, what was the necessity of inserting this, prohibiting one of the officers from being a member of the General Assembly? I leave it to the good sense of this body to say whether or not any member has violated the constitution.

MR. BURKE—It has been remarked, and with truth, that there is no executive or judiciary officers on this floor; but article 123 of the constitution plainly says: "No person shall hold, or exercise, at same time, more than one civil office of trust or profit, except that of justice of the peace. It seems clear to me, that members of this body who hold one or more offices besides, are violating the constitution. I am not disposed to be too severe, but when I see persons in this body openly violating the constitution, and attempting to defend such a course, I feel compelled to say something. I think it reflects great discredit upon any man who attempts it. I held the office of sheriff, and immediately resigned on my election.

MR. BADGER—Give us the reason.

MR. BURKE—I resigned because I was elected to the State Legislature, and I was confident I could not hold two offices at the same time. Is that reason enough? I advise you, if you hold two offices, to resign one, for it is a positive violation of the constitution. Mr. Foley, who was one of the members of the constitutional Convention, and voted for and helped to pass this article, now advocates the holding of two offices by members of the General Assembly.

MR. FOLEY—The gentleman is becoming personal, and is out of order.

MR. BURKE—The question is very plain. It is very comfortable to hold other offices, in addition to getting eight dollars per day, as a member of the Legislature; but it is a violation of the constitution nevertheless, and I hope this body will vote it down.

MR. H. C. BELDEN—It is not through any consideration of interest that I speak on this subject. I must view article 123, about which so much has been said, according to its spirit and meaning. Under this article, no person holding an office of trust or profit shall be eligible to the General Assembly. Will any gentleman in this House tell me that the clerk of a court, under military appointment, is a civil officer under the the constitution of the State? The judiciary has decided that no office is considered an office of trust, unless the party is the depository of public money; and furthermore, that to be a civil officer, it is necessary to be commissioned by the governor. If I am the custodian of any public money, or holding any office of trust or profit, I am prevented from occupying a seat in this body; but if I do not hold such office or do not have money in my hands belonging to the loyal citizens of Louisiana, I am not considered an officer in the eye of the constitution. There is no man that comes within this view of the constitution, therefore I say there is no man who can be expelled on this account.

MR. BRECKENRIDGE—I do not see how gentlemen can constitutionally stand on this floor and support such views, when the constitution provides for this matter in article 101 and 123, and the members are solemnly sworn to support that constitution. I claim that holding any office, by military appointment or otherwise, is contrary to the constitution. Article 123 explicitly

states that "no person shall hold or exercise at the same time more than one civil office of trust or profit, except that of justice of the peace." I came here to act honestly and conscientiously and to uphold the constitution in all respects.

MR. KAVANAGH—Article 27 of the constitution adopted by the late Convention, of which my friend, Mr. Burke, was a member, says: "Each House of the General Assembly shall judge of the *qualifications*, elections and returns of its members." I think that no member holding an office without a commission from the governor is considered an office-holder under the meaning of the constitution. I do not consider positions held under the corporation of New Orleans to be the offices meant by the articles quoted, and I shall vote against this resolution.

MR. BAUM—I would like to ask the gentleman a question or two, Mr. Speaker, and it is this: Why does he agitate this question at this particular time? Was not a committee appointed by the speaker of this House in regard to the examination of the credentials of members, for their admission or rejection? Did not that committee report to this House, and was not that report favorably received? These are the questions which I would like, sir, to have the gentleman answer.

MR. LEWIS—I move that the consideration of the whole subject be indefinitely postponed.

The motion was carried.

MR. HOWES—I wish to offer the following:

Be it further resolved, That a committee of three members be appointed by the speaker to wait on his excellency, Gov. Michael Hahn, and ascertain his *legal opinion* on the subject now before the House.

MR. KAVANAGH—I wish the gentlemen of this House to fully understand this, that the governor is not king of this State.

THE SPEAKER—I will put the question, though I do not think it strictly the province of the governor to pass upon the qualifications of the members of this body. The House has that privilege.

MR. BAUM—The man who made that motion has no sense.

MR. FOLEY—The subject is indefinitely postponed.

MR. SEYMOUR—I move the resolution be rejected.

MR. HOWES—I offered that resolution with the intention of procuring the legal opinion of the governor, who is a lawyer, upon this matter.

MR. BOUDREAUX—I would like to know, Mr. Speaker, whether a member has the right to postpone, indefinitely, any resolution before it is thoroughly debated?

MR. KAVANAGH—I will state to the House, that the senators and representatives who we, or rather the people, have elected, are not in a position or condition, peculiarly speaking, to go to Washington. If they are not admitted, there is not the slightest sense in our holding these daily sessions, passing

laws, and in other ways conducting ourselves as if our civil affairs were fully established, and our relations with the general government firmly settled. Our actions are and will be null and void, nor shall we ever meet in our present capacity again, except we consummate the end we have so long sought, and firmly seat both our senators and representatives in the halls of the National Congress. Of course these gentlemen would themselves provide funds, if able, but they are not; and since that is the case, I say send them for God's sake, and provide the necessary means. I don't wish them to go penniless on so important a mission, but to possess the ability of frequenting those places where the men of the nation resort, that through mutual acquaintance and constant contact with them, our position may be more fully understood and supported, as it should be, by the leaders in politics from all parts of our country. Unless, let me add, in conclusion, these, our senators and representatives, are admitted as they should be, we shall live under a military rule more strict than has heretofore ever been imposed on us, and we may as well bid farewell to the establishment of civil government in Louisiana.

MR. CREIGH—I call the gentleman to order. He is only telling us the same thing over and over again.

MR. KAVANAGH—Well, sir, I hope, then, you will understand it by-and-by. I have a half hour during which to speak, and will try to make you fully comprehend my position. However, I will merely say, that I think it is our duty to pass this resolution, and furnish such means as will secure us, if possible, a representative in Washington during the coming Congressional session.

MR. BADGER—Mr. Speaker: I, for one, don't see anything objectionable in the bill offered. Certainly, only two or three of the gentlemen referred to in it will care to avail themselves of the privilege, as Messrs. Bonzano, Cutler, Wells and Mann—all of them have money. Therefore, as the resolution can at most refer to but two or three cases, I am in favor of it.

MR. LEWIS—On a former occasion, I voted for an appropriation of twenty-five hundred dollars for this same purpose; but a condition was attached to that, which would secure the payment of the sums advanced, in case the parties coming under its terms should be admitted to the next Congress.

This resolution, however, proposes not to lend, but to give away a certain sum. Now, if the gentleman who offered it will so far remodel it as to provide for the repayment of these moneys, I believe that a large majority of this House will vote for its adoption; but if he proposes to absolutely give away these sums, I do not believe it will be carried.

MR. McDONNELL—Mr. Speaker: We have elected senators and representatives to Congress, it is true; but if they knew or supposed that they could not defray their own expenses, they should not have run. [Applause.] I believe that Messrs. Bonzano and Field can pay their own expenses to Washington and back, whether they are received or not. If they are received

—any of them—they receive thirty dollars a day, and can afford to live and pay debts besides. I cannot understand why the State of Louisiana, embarrassed as she is, should raise this money to pay the mileage expenses of members, when they, themselves, will receive that as soon as they are admitted. The State is too poor to allow this constant squandering of money, which is going on every day; and impoverished tax-payers will suffer much to pay the sums so profusely thrown away.

MR. BURKE—During the session of the late Convention, much money was appropriated to defray the electioneering expenses of Gov. Hahn, [cries of “out of order,”] Dr. Dostie, and others, elected as officers of this free State government.

MR. FOLEY—The gentleman is out of order.

MR. KAVANAGH—The gentleman is not out of order. I insist on his being heard.

MR. BURKE—An appropriation was made, I say, by the Convention, to—

MR. BAUM—You were one of them.

MR. BURKE—Yes, gentlemen, that appropriation was made for the purpose of making Louisiana a Free State.

MR. FOLEY—What has that to do with this matter?

THE SPEAKER—The chair wishes to know what connection the gentleman's remarks have with the subject under consideration?

MR. BURKE—I merely wish, sir, to show the precedent which the Convention has set. As I have remarked, this money was appropriated for the purpose of establishing a free state government. Gentlemen seemed to think nothing of voting away large sums of money then, but now, when we wish to have a small amount disbursed, to *carry out* the great principles which we have adopted, they seem to wish to embarrass every means of organizing our glorious free state government. That is the desire of the gentleman on the other side of the House. Did we not in the case referred to, act as I have stated, besides largely increasing the salaries of the officers elected? [Satirical cries of “No, No!”] Now, I say, in conclusion, for I am no speaker, that I am for the loaning, not giving, to those of the gentlemen who need it, the sum of fifteen hundred dollars, that they may defray the expenses, to which they must be put, in their attempts to have Louisiana again recognized as a State of this Union.

This seems to me to be just, and I do not believe that any gentleman can really entertain so penurious ideas as to refuse the adoption of my proposition. How can you say you will not? The State of Missouri did the same thing, when she held her convention and elected delegates to Congress. So did Kansas, and so has almost every other State of this Union, when seeking for admission, from the commencement of our confederation to the present. Why then should citizens of Louisiana refuse to do the same thing? Can you say you will not advance the small amount necessary to assist our

national senators and representatives in their efforts to make this a free State, recognized as such in Congress?

MR. PRARSON—A bill was passed here the other day, and sent to the Senate for concurrence, granting a loan of fifteen hundred dollars to these gentlemen, which they were to use in defraying expenses, and to be refunded in case they were admitted. Therefore, I think this discussion is entirely out of order.

MR. POYNOT—A bill exactly like this, in its provisions, has been sent to the Senate for concurrence, therefore, this is all out of order, and I move to lay the original resolution and all amendments on the table.

MR. BELDEN—I have ascertained that the bill sent to the Senate for concurrence has been killed; therefore, this matter before the House is entirely in order.

MR. POYNOT—Until the House is officially informed of that fact, we have no right to take any action; therefore, I renew my motion.

MR. FOLEY—A bill or resolution cannot be tabled, together with its amendments, on one motion.

The motion to table the resolution and all amendments, was put and lost.

MR. MEEKS—I move, as an amendment, that the money loaned be refunded in any case.

MR. KAVANAGH—The State has expended several thousand dollars in paying electioneering expenses, but our Convention was called for the purpose of endeavoring to restore that condition of affairs which once existed. Now, I would ask you, gentlemen, formerly in that body, who have spent so much money unnecessarily, if you are really unwilling to appropriate the pittance of fifteen hundred dollars to forward the admission of the first national senators and representatives to the first Congress. If any gentleman has reasons for refusing—and God only knows what they can be—let him give them.

As for the assertion that Col. Fields has ample means, I will state that he himself told me this morning, that he had not. This, I hope, will settle that point.

THE SPEAKER—Gentlemen: The only question is, whether the bill has been returned to this House from the Senate. It has not, therefore, I shall entertain no further proceedings in the matter.

MR. EGAN—Before the order of the day is taken up, I move for a reconsideration of the vote in relation to committee clerks.

MR. KAVANAGH—I move to lay that on the table. I want the names of gentlemen who will vote to spend the people's money unnecessarily; call the yeas and nays, if you please; I wish to throw a little light upon this subject and to state that the majority report of the committee favors the employment of thirty-three clerks, and that of the minority report advises the employment of only nineteen clerks.

MR. FOLEY—Before you put the question, Mr. Speaker, I wish to call your attention to rule 26, which reads as follows: "When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof, provided it is made on the same day, or next sitting day, before the order of the day is taken up."

This resolution was adopted on the day before yesterday, and a motion was made to suspend the rules after the order of the day was taken up, in order to reconsider the vote on this subject. Now the gentleman must still suspend the rules in order that the motion to reconsider may be put by the chair.

MR. LEWIS—I move the suspension of the rules.

THE SPEAKER—I am well aware of the rule, but it is under extraordinary circumstances that I grant the reconsideration to-day. Before the order of the day was taken up, on yesterday, there was a motion made to suspend the rules and take this matter up, but by the particular course of the House, the member was cut out of his right to make his proposed motion.

MR. FOLEY—That is not the fault of the House.

MR. MEERKS—Mr. Speaker: I do not wish to occupy the time of this House in discussing a motion to reconsider, but I believe it is out of order. The resolution referred to was adopted, but no action was taken on the majority report. I consider that there can be no reconsideration of that as a complete bill, until action is taken upon the majority report. The majority report must be adopted with the amendment, and the whole then reconsidered, because it is impossible to reconsider the part of a resolution or bill. I call for the adoption of the majority report, with the amendment.

MR. TODD—Mr. Speaker, and members of the House: I desire your attention for a very few minutes, to a few remarks on the subject now before this House. To obviate all unnecessary verbiage, I have reduced my remarks to writing, and sincerely hope that they may stand on the record as a proof that I have entered my feeble protest against the abuse of time and money hitherto unparalleled in the annals of legislation.

In place and out of place, the honorable gentleman from the Third Representative District (Mr. Foley) has been heard harping upon the number of clerks appointed by the committees of this House, until the subject has become as trite as Horace Greeley's promise of "the three hundred thousand more;" and, in spite of the evident disinclination to meddle with such trivial matters, to the exclusion of more material issues, we are again called upon to listen to the gentleman's irrepressible clerk question. [Laughter and applause.]

Now, sir, my profession is one that requires a knowledge of figures, and I believe that I am capable of making an ordinary computation upon certain fixed data given, and I would call the gentleman's attention to the fact that,

if he will take the trouble to calculate the value of the time that he has wasted in trying to force this House to stultify itself, he will find that his course has entailed a greater loss than any that we are likely to incur from supernumerary clerks. [Applause.]

If the committees of this House are not capable of judging of their own wants, then the sooner these committees are dissolved, the better for the House. If the committees are capable, then only one conclusion remains, which is, that they are venal and unworthy of the high trusts imposed upon them.

What does the honorable gentleman charge? Are these committees incompetent or rascally? That would seem to be the plain Anglo-Saxon of the gentleman's meaning. The next time he introduces a resolution touching this matter, I hope that he will call it by its name, viz: "A bribery and corruption committee, to ascertain whether the members of the other committees of this House have lost either their senses or their honesty."

The honorable gentleman belongs to that class who would argue all night to prove the inestimable blessings attending early retiring—who would expend \$10,000 to prove that \$5000 was just fifty cents too much!

I sincerely hope that the gentleman with "clerks on the brain" will subside for a season, and that his cry of committee reform may grow fainter as his ideas of economy become clearer.

The motion to reconsider was carried, whereupon the House adjourned until 12 M., to-morrow, the 11th inst.

TUESDAY, November 15, 1864.

The House met at 12 M., pursuant to an adjournment, Hon. S. Belden, speaker, in the chair.

The proceedings of the House were opened with prayer by the Rev. Mr. Guion.

The minutes were read and approved.

A communication was received from the state auditor, enclosing the opinion of the attorney general in regard to the legality of the resolution passed by the House, voting to the Hon. Mr. Dufresne, of Iberville, the mileage and *per diem* which would have belonged to Mr. Marionneaux, who was first elected from the same parish, but refused to take his seat. In accordance with the attorney general's opinion, the auditor refused to pay the sum voted to Mr. Dufresne, on the ground that the gentleman had performed no services to entitle him to a compensation, and that any such payment as the one proposed would be in direct contravention of article 32 of the constitution.

MR. KAVANAGH—Mr. Speaker: I move the rejection of that communication, as I do not think we are here to receive any directions at all from Dr.

Dostie. I think we are capable of conducting the affairs of the House without any of his assistance.

MR. LASTER—I think the communication is perfectly correct and move its adoption.

MR. KAVANAGH—Is the question open for debate ?

THE SPEAKER—It is.

MR. KAVANAGH—Mr. Speaker : I think this House has no need of any instruction from Dr. Dostie. It is capable of judging of the rights of its own members and of their rights to compensation, as it may think proper. The auditor is a public officer, and we, the people, have placed him in his position. I hope the House will reject his suggestions, because, in my opinion, it is time enough for him to send his views to this body when he is asked for them—which we never shall do, as we have had enough of them already.

MR. CHRISTIE—Mr. Speaker : Inasmuch as the last speaker has been allowed to go on and deliver himself of a tirade against the state auditor, which was entirely unnecessary and uncalled for, I wish to make a few remarks in defence of that official.

The action of this House in regard to the salary of the gentleman from Iberville, is well known. The gentleman applied to the auditor for payment of his salary during the time when he was not here, or even elected. The auditor is the public accountant and is responsible to this House for his action on questions of this kind—his duties being defined by law. The auditor seems to have thought that it was unconstitutional for him to pay the amount of the salary referred to, for services which had not been rendered ; then it occurred to him that before he paid that sum, he would ask information from the legal attorney of the State upon the subject. I contend, sir, that this action was very proper, and that whenever the auditor feels that he would not be entirely justified in paying out moneys, he should thus appeal, as he did, to the State attorney. That official decided against the legality of making the payment directed by the House, and therefore the auditor tells you that he does not at all doubt the right of this House to make the proposed appropriation ; but, as it is clearly contrary to constitutional enactments and the laws defining his duties, he must refuse to pay the sum required.

Now in regard to receiving of the auditor's communication, the House ought not to be so discourteous as to refuse so to do, but should entertain it, and then take whatever action is necessary to force the auditor, if such course is desirable to take, to pay the amount. If the payment of this money is contrary to constitutional enactments, it is proper that it should not be disbursed. I hope that the House will refer this whole matter to a committee, in order that it may be properly investigated.

MR. S. BELDEN—Mr. Speaker : It is hardly necessary to consider this mat-

ter further, and all that should be done is to rescind the resolution, and to give the gentleman just what, and no more, than he is entitled to under the constitution.

While sitting as speaker of the House, I had, from the first, doubts as to the propriety or legal right of the gentleman to receive a single cent for any period beyond the actual time that he has been a member of this House. I hold that the objection of the auditor of public accounts is perfectly proper and tenable, whether he has or not the right, which I do not doubt for a moment, to decide in regard to the constitutionality of any payment. He has simply called the attention of the House to the fact that we have legislated in an unconstitutional manner, by allowing one of our members certain pay to which he was not entitled.

My attention was first called to the date from which payment was to begin (the third of October), by the warrant clerk of our House, who, it seems, had been approached by the claimant. Upon understanding, however, that pay was to date from the beginning of the session, he refused to sign a warrant, and referred the matter to me. I, very properly, referred it in turn to the chairman of the Finance Committee, who refused, rightly, to sign it, and then came the resolution of this House, authorizing payment.

I think it may be necessary for us, in order to relieve the auditor of responsibility, to rescind that unconstitutional resolution, by which we, as a matter of courtesy and respect, proposed to give the gentleman certain emoluments, and leave him to receive compensation for actual services only.

I consider it necessary to make these remarks, that my position, as a member of this House, and a lawyer, knowing something of the constitution of the State, may be understood. I regard it as necessary for this House to reconsider its action, and place itself upon the constitution, fairly and squarely, however much it may desire to tender the proposed mark of courtesy to the gentleman from Iberville.

MR. DUFRESNE—I beg leave to withdraw the claim in question, as I wish nothing done contrary to the constitution.

Mr. Laster presented a resolution, formally withdrawing the obnoxious enactment.

MR. CHRISTIE—I would suggest, Mr. Speaker, that the gentleman has withdrawn his application, thereby precluding any further action upon the subject, though I would prefer to have the resolution rescinded.

MR. DEJEAN—We are not to be guided by the *ipse dixit* of any man, for the judgment of every one is not infallible. If his opinion is contrary to the action of the House, I would still maintain that Mr. Dufresne was entitled to his salary. He was virtually elected on the 3d of October. The member who was elected at first to represent his constituents in this hall declined to accept, for certain reasons, of which we know little and care less. I know of no article of the constitution that prevents a party who has been duly elected

from receiving the salary to which he is entitled. If no subsequent election had taken place, the party first elected would have received his salary without objection, from the first, and I know of nothing that precludes Mr. Dufresne from receiving his salary also.

MR. PRESCOTT—I beg to dissent *in toto* from the argument of the gentleman. He has told us that Mr. Dufresne is as much entitled to the salary we voted him, as any member of this House; but how he can make an assertion so utterly illogical, I am unable to explain. Those gentlemen who have labored here daily have all, I presume, earned the salary which they have received. Mr. Dufresne was not here. He has not served the State or rendered it any service during the period included between October 3d and the date of his election. How can he be entitled to money for which he has rendered no equivalent? I say it with all respect to the gentleman, for I have none but the kindest feeling towards him, but I am speaking of the principle involved. If we establish a principle of this kind, it may bring us into serious controversy with the officers of the State, and will lay down a precedent which may lead to injurious consequences.

The question on the adoption of the resolution was then carried.

A memorial from the administrators of Charity Hospital was received and referred to the Committee on Charitable Institutions.

A bill from the Senate in relation to the compensation of the State tax collector was adopted on its second reading.

The Committee on Banks and Banking submitted a report which was adopted.

Mr. Chamberlain offered the following resolution :

Resolved, That the further publication of the official minutes in the True Delta newspaper be immediately discontinued.

Be it further resolved, That the secretary be instructed to furnish the official reporters with the minutes of each day's proceedings in time for publication in the Era or Times newspapers of the following morning after their approval.

Laid on the table.

Mr. Michel offered the following :

Resolved, That hereafter no member of this House be allowed to retire during the session without first obtaining the consent of the speaker.

Laid on the table.

Mr. R. L. Belden offered the following :

Whereas, Owing to the vast amount of business this Legislature has to perform, it becomes the duty of every member to be in strict attendance at the hour appointed to meet each day at 12 o'clock M. ;

Be it resolved, That in case any member fail to attend, unless excused by sickness or some other cause satisfactory to a majority of the House, he will forfeit his *per diem*.

And be it further resolved, That no member will be allowed to leave the House, while in session, for a longer time than fifteen minutes, unless excused for a longer time by a majority of the House.

Laid on the table.

Mr. Harnan offered the following resolution :

Resolved, That any member of the House of Representatives who absents himself for three successive days without the consent of the House, shall forfeit his *per diem*, and if he absents himself for six successive days, his seat shall be declared vacant.

Laid on the table.

The Senate bill providing for the recording of marriages was taken up, and the unfavorable report of the committee read.

MR. TODD—I move the report be received and the bill rejected.

MR. DEJEAN—Gentlemen who are opposed to this bill do not, in my opinion, take into consideration the great inconvenience to which parties not only in Louisiana, but also in foreign countries, are occasionally subjected. This bill requires that all marriages celebrated in the city of New Orleans, as well as the parishes, shall be recorded. The first principle in law, as well as in equity is, to ascertain what is the object of law. What is the purpose for which we are called into this House? Is it for the purpose of creating law which will be detrimental to the community, and subvert the interests of the people? I say, we are called upon to enact such laws as will promote the interests of the people at large. What is the object of this bill? It is that every marriage celebrated throughout the State of Louisiana shall be placed on record. It is well known that many cases have occurred in our courts of justice, where the whole result depended on the evidence offered to prove the legitimacy of the parties. They have gone to the record of marriages and have been unable to obtain the necessary evidence. I think it only just that this matter should be attended to, by setting apart a special office, in which all the marriages in the city and State shall be recorded. Suppose a succession opens in France, or any other foreign country, where the legitimacy of the heirs is not admitted, and the result depends entirely upon the documents which are produced from the State of Louisiana. If the parties are unable to obtain this proof, what is the result? They will be deprived of their rights, however clear the case may be. Some time since a case occurred in France. The parties were married in Louisiana, and their children were born there, and their rights of inheritance were established by the laws of Louisiana. When the case came before the French tribunals, all the necessary measures were taken to procure the documents here necessary to establish their claims as heirs, but they were unable to find them, and their rights were consequently lost to them. I hope gentlemen who oppose the bill will take into consideration the necessity of an office where these records can be kept, and be found whenever they may be wanted.

MR. PRESCOTT—Gentlemen of the House, probably, have all read Shakespeare, and remember that he thought it was an absurdity to “gild refined gold or paint the lily.” I perfectly coincide with him, if he did live nearly

three hundred years ago, and the remark is as applicable now as when it was written. Is the gentleman aware that, under the present law, these certificates have to be issued? They are issued by the clerk of the court, and he retains one, and one is sent to the party performing the marriage. When the marriage is performed, the certificate, after being properly signed by the justice or clergyman and witnesses, is returned to the clerk of the court and deposited in a safe place, and open to the inspection of all.

I believe this law has been in existence a long time—at least, it was no new law fifteen years ago—and I consider it all that is necessary on the subject. The bill before the House is neither an amendment nor an improvement; therefore, I consider it superfluous legislating, to use the mildest term. I believe it has a deeper object—of creating a sinecure office in this State, and more than that, in every parish. Remembering the condition of the country, and the depleted state of the treasury, I am utterly opposed to all such offices, and shall vote against the bill, for I consider it unnecessary, and nothing but a scandalous waste of the public money.

MR. MEEKS—I think the gentleman is entirely mistaken in regard to its being a sinecure office. The office will not be supported out of the treasury of the State. I move the bill be printed, and made the special order of the day.

MR. CHRISTIE—Under the law, it is absolutely necessary that all marriages that take place in the State shall be recorded, and I consider this only an excuse to raise a few extra "fifty cents" for the benefit of some gentlemen, the incumbents of these offices. It is probably intended to make the office of recorder of births and deaths a little more lucrative. It is putting the citizens of the State to a useless expense. The chairman of the committee has entered into a long disquisition on the importance of this measure. There is no importance in it. We have already all the statutory law that is needed on this subject, and I do not believe it is desirable to put the citizens of the State to any extra expense in this connection.

The law defines how and where the records shall be kept, and it is impossible for a party to fail in seeing them, wherever he may come from.

MR. DEJEAN—The gentleman seems to insinuate that we are actuated by selfish and individual interests. Sir, I characterize the accusation as false and unfounded. We are called by the voice of the people to legislate for their welfare, and I should be a traitor to the trust confided in me, if I was to concur in the passage of any bill that I conscientiously deemed contrary to the interests of the people. I am actuated by higher and purer motives than individual interest, and if the interests of the community at large comes in conflict with my own, that personal interest must sink beneath the other. The assertion that it was intended to establish a sinecure office to favor, pecuniarily, a few individuals to the detriment of the community, has no foundation at all. Instead of being a source of expenditure to the public, it

will be a source of economy. Does the public lose by having all the marriages recorded at a special office? In the case of proof of marriage to establish a succession, who is the loser? It is the community, in which great injustice may be done. If it were a source of expenditure to the State, I would be as much opposed to it as any man in the House, but I look upon the bill as necessary, and hope it will be fairly considered before being acted upon.

MR. MEKES—I move the bill be printed, and made the special order of the day for Friday.

Carried.

The bill regulating the jurisdiction of justices of the peace, was adopted on its second reading.

An act to provide ways and means for carrying on the revenue of the State was taken up on its final reading, and adopted by the following vote—yeas 52, nays 11.

An act to provide a homestead for the widows and children of deceased persons, was adopted on its third reading—yeas 64, nays 1.

A joint resolution from the Senate authorizing the senators and representatives to caucus, to use their influence to have a post office re-established in Algiers, was taken up on its third reading, and adopted by the following vote—yeas 58, nays 4.

On motion, the House then adjourned until 12 m., Wednesday, Nov. 16th.

WEDNESDAY, November 16, 1864.

The House met at 12 m., and the proceedings were opened with prayer by the Rev. Mr. Andrews.

The journal of yesterday was adopted as read.

A memorial from the Board of Directors of Public Schools for the education of colored children, was read, and referred to the Committee on Education.

Mr. Prescott presented the following resolution:

Resolved, That the editors and proprietors of the True Delta be officially notified that the printing of the laws and proceedings of the House of Representatives be, from and after this date, discontinued in their paper, and if continued after this date, no compensation will be granted therefor, the contract for such printing being hereby annulled.

And be it further resolved, That the reporters of this House are hereby instructed to furnish the editors of the New Orleans Times and Era with correct copies of the proceedings of this House every evening, in time for publication in their respective papers.

MR. LALOIRE—I move it be laid on the table.

MR. CREIGH—We had, on yesterday, a resolution of the same tenor, which was laid on the table.

MR. PRESCOTT—Mr. Speaker: I brought that resolution forward, with the

view of moving a reconsideration of the vote taken on yesterday. My reasons for so doing are simply these :

The discussion of this subject is very uninteresting to me. Many of us, probably, have read the story of the mice, in Horner, which is just about as attractive, and interests me just about as much as does this matter. But it has been much discussed in the public prints, in regard to saving of public money ; and one paper (the Era) says that several thousand dollars can be secured to the State, by discontinuing the publications referred to. I think he is mistaken, and have in my possession means to satisfy every gentleman of this House, and the community at large—

MR. POYNOT—The gentleman is out of order. There is a motion to table—
MR. PRESCOTT—I ask to be heard, as a matter of courtesy.

MR. CHAMBERLAIN—Instead of “reporters,” I move that “secretary” be inserted.

The amendment was accepted.

The yeas and nays were called on the question of tabling.

MR. POYNOT—I insist on every gentleman's voting.

MR. TODD—I do not wish to vote, as I do not like to see this House stultifying itself by bringing up this matter from day to day. Therefore, I ask to be excused.

The House refused to excuse the gentleman.

MR. TODD—I vote “no.”

The motion to table was lost—yeas 20, nays 46.

MR. PRESCOTT—Mr. Speaker : There are certain statements afloat in regard to this subject which should be corrected. For instance, the “Era” says that several thousand dollars could be saved to the State by rescinding our contract with the “True Delta.” Now, I this morning called upon the editor of the “Times” newspaper and got him to make an estimate of the expense, which he says is about eight dollars a day, or from two hundred to two hundred and sixteen dollars a month. That may be considered as official, for as the committee appointed to wait upon this editor and obtain facts, did not do so, I did it of my own accord. The different statements from private sources and appearing in the newspapers, were so utterly irreconcilable, that I went to the fountain head.

I do not wish to take up the time of this House with the view of making a reputation as an orator, for I am a business man, without reference to any other subject than business ; and my object is to present the facts to this House and the public in regard to this question of printing ; for small as the matter is, it has led to bitter controversy, and we are charged with an extravagance of which I think this House is not guilty, in my opinion, as I consider it characterized by the most sordid parsimony.

MR. MEERS—Mr. Speaker : That same resolution was presented by the

Printing Committee and voted down, on which occasion, I believe the gentleman's vote was recorded against it.

MR. BADGER—I would like to ask the gentleman, Mr. Speaker, if there is any other State in the Union but what has an official paper to publish the proceedings of its Legislature?

MR. TODD—I move that the subject be referred to a special committee of three.

On a motion to table this last, a division was called, resulting—yeas 32, nays 19.

MR. MICHEL—There is no quorum.

MR. POTNOT—There is a quorum in the House.

THE SPEAKER—That is the case, but I will put the question again, to save the time of the House.

The motion to table was again put and declared tabled, when, on motion put, it was referred to the Committee on Public Printing. [Applause.]

The petition of the Rev. J. McGee, Roman Catholic priest of the parish of St. Mary, was referred to the Committee on Charitable Institutions.

The committee to investigate the alleged frauds committed by the sergeant-at-arms of the late Constitutional Convention and sergeant-at-arms of the present Legislature, presented a preliminary report.

MR. RIGGS—Mr. Speaker: I would inform the House, that the chairman of the committee (Mr. Foley) was not present at the time at which this statement was made by the witness, his child having died on the day of the examination. Only another of the committee and myself were present when the gentleman making the statement just submitted came in with his books, etc., when we told him we would make a kind of preliminary examination.

MR. FOLEY—Mr. Speaker: If I understand the reason for making this report, it is to show the members of this House that we have in our employment a man who is unworthy of our confidence; as I think the report does show that, and, therefore, I move his discharge from his present position.

MR. KAVANAUGH—I second that motion.

MR. CHAMBERLAIN—Mr. Speaker: I do not rise to extenuate the fault or guilt of the sergeant-at-arms, but I most positively decline taking any action in this matter until that gentleman is arraigned before the bar of this House and given an opportunity to defend himself; and, therefore, I insist that he be placed under arrest by the assistant sergeant-at-arms, and be so brought before us, to answer to the indictment presented in this report. I think this should be done, and that it is absolutely necessary he should be lawfully arraigned, witnesses called and he be allowed counsel.

MR. SEYMOUR—Mr. Speaker: I agree with the gentleman, believing, also, that we should defer our action until all the reports have been handed in; we shall have another in two or three days.

MR. TULLY—I believe from the tenor of this report, that there are other

transactions, the investigation of which will be attended by the same result as has this one under consideration. Mr. Markey, even, has not been fully examined, and when the committee has reported in full, the matter must be referred to the courts of the country. I do not think we can try the case.

• **MR. CHAMBERLAIN**—Yes, sir, we have the power under the constitution.

MR. SEYMOUR—The law supposes a man to be innocent till he is proven guilty, and I think, under these circumstances, it would be advisable to wait.

MR. MEEKS—I think the sergeant-at-arms should be suspended from his position in this House, and required to give bonds for his appearance when called on.

MR. RIGGS—I would say that Mr. Markey was not on oath, and this is simply a preliminary investigation. I asked him if these were the books that he had when he sold the brandy. He said they were. I told him at a future day he might be summoned as a witness in this case, to state the facts as they existed. This report is simply the statement of Mr. Markey. I think, in justice to the gentleman implicated, he should bring him before the House, and allow him to be heard.

MR. BODREAUX—I do not see anything definite in the report of the committee, and we have not given Mr. De Coursey a chance to defend himself. I hope an opportunity will be given before any action is taken.

MR. PRESCOTT—I think that at the present time any action in the premises would be impolitic and unadvisable. In the first place, we have only a portion of the report, but, with a little patience, I have no doubt the matter will be fully investigated. I trust that the members will place the subject in the hands of the law officers of this State, and they will prosecute the sergeant-at-arms, and, if possible, make him disgorge; but I am opposed to any premature action. If any other gentleman is concerned in this affair, I wish him to be proceeded against, also.

MR. PEARSON—This is not the report of the committee; it is only the statement of one or two of its members. I would move that the matter be dropped until a proper report is made.

The motion to dismiss the sergeant-at-arms, was amended to suspend him from further duty, and require him to give bond in the sum of \$10,000 for his appearance to answer any charges.

A motion to table this, was lost, and the above motion carried, as follows:

YEAS—Messrs. Bovee, Bouligny, Buckley, Brown, Badger, Burke, Boudreaux, Breckenridge, Belden R. L., Brooks, Cook, Creigh, Collins, Chamberlain, Christie, Corley, Danel, Dejean, Dufresne, Egan, Ennis, Foley, Gannon, Griffith, Harnan, Howes, Haberland, Hawkins, Hawthorne, Ingram, Kavanagh, Kleas, Lester, Lewis, McCann, McGuire, Miller W. D., Miller R. M., Meeks, Maas, Marie, Prescott, Robinson, Rotgé, Riggs, Schillang, Seymour, Senette, Van Tromp, Woodward—50.

NAYS—Messrs. Bangs, Duane, Evans, Henratty, Laloire, McDonnell, Michel, Nephler, O'Conner, Pearson, St. Martin, Shaw, Tully, Todd, Walsh, Waters, Wheeler—17.

MR. KAVANAGH—I move that the speaker instruct the assistant sergeant-at-arms to arrest Mr. DeCoursey, and keep him under arrest until the bond is given.

MR. SEYMOUR—Mr. DeCoursey is worth \$100,000, and I do not think there is any need of taking any such action.

MR. FOLEY—I do not believe there is any need of placing him under arrest. He is a responsible man and is not going to leave the country.

MR. POYNOT—I move the assistant sergeant-at arms be instructed to notify Mr. DeCoursey of the resolution passed here, and request him to give the bond, and thus not arrest him.

MR. CHAMBERLAIN—We have passed a resolution requiring him to give the bond, but to whom? It does not state who it shall be given in favor of, nor what the penalty shall be if he fails to comply. I assert, this body is the highest tribunal in the State, and has a right to imprison, not only its officers, but its members, for improper behavior or contempt. Therefore, I move that the assistant sergeant-at-arms be instructed to bring him before this House, and that he be compelled to give the bond required by the resolution, or be sent to jail. This is our duty. I am sorry the report was made before it was final, since it has caused action that should not have taken place until the proper report was rendered.

MR. TODD—The assistant sergeant-at-arms is not an officer of the House, and has no right to arrest Mr. DeCoursey. It will be necessary to appoint him sergeant-at-arms *pro tem.* to do this.

MR. FOLEY—I offer the following resolution:

Whereas, Mr. M. DeCoursey, sergeant-at-arms of the House of Representatives, has been suspended from service of the House of Representatives;
Resolved, That Mr. U. D. Terrebonne, assistant sergeant-at-arms of the House of Representatives, be and is hereby authorized to act as sergeant-at-arms of this House, instead of Mr. DeCoursey, until further notice.

Adopted.

A motion to table the motion of Mr. Kavanagh was lost, and that motion adopted.

The Senate bill, entitled "An act to repeal an act entitled 'An act to regulate the jurisdiction of justices of the peace in the parish of Orleans, in certain cases,'" came up on its second reading, and was referred back to the Senate for the insertion of the provisions repealed.

An act to provide a lien law for the benefit of mechanics, laborers, and persons furnishing building materials, was taken up on its third reading and adopted.

An act relative to the justices of the peace for the parish of Orleans, was taken up on its final reading.

MR. CHAMBERLAIN—I move that sections 27 and 28 be stricken out. They are irrelevant, and have no right to be there.

Carried.

MR. SEYMOUR—In the first line of section 14, I move to strike out “may,” and insert “shall.”

Carried.

The bill was adopted on its third reading, by the following vote—yeas 53, nays 1.

There being no quorum, the House adjourned until 12 m., Thursday, November 17th.

THURSDAY, November 17, 1864.

The House met pursuant to adjournment, when the Rev. Dr. Newman offered prayer, and a quorum being present, the minutes were adopted as read, excepting the correction of Mr. Riggs, to the effect that the DeCoursey investigating committee presented, on yesterday, “a statement,” not “testimony.”

The usual committee reports presented nothing of importance.

MR. TODD—Mr. Speaker : I believe that there is some money belonging to the internal improvement and school funds, which I would like to see transferred to the State that we may have the use of it, and I therefore give notice of my intention to introduce a bill authorizing that transfer.

MR. CHAMBERLAIN—I move that the rule requiring one day's notice of intention to introduce a bill, be suspended, that this may be taken up for consideration to-day.

MR. FOLEY—I am opposed to that, Mr. Speaker ; for the people say, truly, that if a bill comes up to put money into our pockets, it goes through immediately. I hope the bill will be laid over until to-morrow.

The motion to suspend the rules was lost.

An act was presented from the Senate relative to the adoption of children, being called up,

MR. CHAMBERLAIN—I move it be referred to the Committee on Judiciary.

The motion was carried.

MR. HARNAN—I move that one hundred copies be printed.

MR. CHAMBERLAIN—It is one of our rules, Mr. Speaker, that when a committee reports favorably on a bill, they order it to be printed and placed on each member's desk. It has not been done heretofore, but I trust that the committees will hereafter do so, when occasion requires.

MR. FOLEY—I believe that refers only to important reports, as to print all reports would be to incur great unnecessary expense.

THE SPEAKER—The chair decided that when a committee recommend a bill for printing, it shall be printed.

An act to amend an act relative to harbor masters of New Orleans.

MR. CHAMBERLAIN—Does that act, Mr. Speaker, include the one which is to be repealed?

THE SPEAKER—No, sir; the section says not.

MR. CHAMBERLAIN—Then I move, sir, that it be rejected, as, according to article 119 of the constitution, such an incorporation is necessary.

The motion for rejection was carried.

An act for the abolition of the superintendent of public school education, was then taken up.

MR. CHRISTIE—I move that be rejected.

MR. CHAMBERLAIN—I object to that motion.

MR. KAVANAGH—As this is an important matter, I hope the yeas and nays will be called on the question.

The last motion was lost.

MR. FOLEY—I would like to hear the reason of the gentleman who presented the bill.

MR. HARNAN—Mr. Speaker: I introduced the bill for these reasons: I find that the gentleman referred to has not made one single report of his own, but has merely appointed commissioners in some of the parishes. The office is simply a sinecure at the present, and only an unnecessary expense to the State; but I only wish to have it temporarily abolished until the State is in proper condition to support it.

MR. SEYMOUR—Mr. Speaker: I move the rejection of the bill, though I am in favor of it, for the reason that it does not state who shall fulfill the duties of the office in case they pass from the present incumbent.

MR. TULLY—I must object to the bill, Mr. Speaker, because some one is now much needed to establish the schools throughout the State.

MR. KAVANAGH—Where?

MR. TULLY—Throughout the State, sir. In my own parish there is no school at all, and I think that schools in every parish should be put in operation.

MR. CHAMBERLAIN—I have but a word to say on—

MR. HARNAN—With the permission of the House, I withdraw the bill.

An act relative to justices of the peace in the parish of Orleans, being called up,

MR. SEYMOUR—I am excused, under the rules, from voting on this bill, as I am an interested party.

MR. TULLY—I ask to be excused for the same reason.

The gentlemen were excused, and the bill then adopted.

An act providing a homestead for widows, orphans, etc., was then taken up.

MR. CHAMBERLAIN—Mr. Speaker: Has this bill passed its third reading?

THE SPEAKER—Yes, sir.

MR. CHAMBERLAIN—Then it is a simple nullity, as there is no enacting clause.

THE SPEAKER—That is the misfortune of the House, which must be corrected in the Senate.

The Senate announced its concurrence with the House vote of thanks to the president, the army and navy, adding the name of Sheridan, which amendment was concurred in by the House.

The resolution from the Senate authorizing the governor to furnish the U. S. senators elect with their credentials, was read the first time.

MR. FOLEY—I move a suspension of the rules, to put the resolution on its second reading.

MR. CHRISTIE—Mr. Speaker: This is a simple resolution, and I do not understand why it is necessary to put it through three different readings.

THE SPEAKER—The chair decides that it shall go through three readings.

The resolution was read in accordance with this decision, and adopted.

An act to authorize the city to build a bridge over Canal Carondelet, was taken up.

MR. BOVEE—Mr. Speaker: This bill is to allow the city of New Orleans the privilege of building a bridge across the Old Basin, at the foot of Galvez street. The city can build when it is of a mind to, but is not compelled to do it at all, by this bill.

MR. KAVANAGH—Mr. Speaker: I would say to the House, that this bill was referred to the Committee on Internal Improvements and reported on favorably. From the intersection of Claiborne street there is fully a mile without any bridge, and as that part of the city is very populous, the business of it would be very much facilitated by allowing a bridge to be built, as indicated. Therefore, I hope the bill will pass, although I am not interested in the matter at all.

MR. FOLEY—Mr. Speaker: Is there any law prohibiting the building of this bridge? Unless there is some prohibition in the City Charter, I cannot see the object of bringing this matter into the Legislature. I would ask for information on the subject.

MR. KAVANAGH—Mr. Speaker: I would state for the information of the gentleman and others, who understand no better than he, that the corporation cannot allow any bridge to be built across the canal, except it is permitted by the Legislature. This is the reason why I have brought this bill up.

MR. PEARSON—I believe that the city has a right to build a bridge at the intersection of every street with the canal.

MR. KAVANAGH—The gentleman is mistaken.

MR. MEEKS—I do not know, Mr. Speaker, whether the city has a right to build this bridge, but I do know that the citizens in that locality are greatly inconvenienced for the want of one. I hope that the bill will pass, as there is a long distance between bridges, and as the city is not obliged to build at a particular time, but merely empowered to erect one at any time.

MR. TODD—Mr. Speaker: As chairman of the Committee on Internal

Improvements, I would state that there is no objection to the building of this bridge, so far as any conflict with the City Charter. The committee went to view the distance, and found it, as has been stated, very great between the bridges; but the city cannot build unless so empowered to do by this Legislature.

MR. FOLEY—The explanation of the chairman of the committee satisfies me that the city has not a right to build without the permission of this Legislature, therefore, I move its adoption.

The House then adjourned until 12 M., to-morrow.

FRIDAY, November 18, 1864.

The House met, pursuant to adjournment, and prayer was offered by the Rev. Mr. Gilbert.

The minutes were read and approved.

THE SPEAKER—I would state to the members that from several communications received from the Catholic clergy of this city, it will be necessary to address a communication to the archbishop to detail them, as they do not consider themselves authorized to attend unless they are so detailed.

MR. HARNAN—I move that the secretary direct a polite note to the archbishop, requesting a detail.

THE SPEAKER—I will direct that to be done.

A reconsideration of the vote on the bill in reference to port wardens, &c., was moved.

MR. CHAMBERLAIN—Mr. Speaker: I asked some information of the secretary, in regard to this bill, when it was read before. That information was given incorrectly, and I thereupon moved that it be referred back to the committee, which motion was carried. As I acted under a misapprehension, I claim that the motion to reconsider should prevail.

The motion was carried, and the bill thereupon adopted.

Mr. Burke's resolution directing the sergeant-at-arms to procure a file of the official journal for the use of the clerk, was adopted.

The Hon. Messrs. S. Belden and Wheeler were excused from attendance during the day.

The Hon. J. Foley took the chair.

A resolution directing the clerks of committees to *write* notices of committee meetings, was carried.

The Committee on Charitable Institutions reported favorably on the petition referred to them, relative to appropriating money for the completion of a church in the city of New Orleans.

The Committee on Public Education submitted a report, which was adopted.

Mr. Kavanagh gave notice of his intention to introduce, on Monday, a bill entitled "An act to provide for raising a revenue by means of a tax bill."

Mr. Van Tromp gave notice that he will introduce, on Monday, an act entitled "An act to exempt certain property from seizure and sale for debts."

An act concerning the master and wardens of the port of New Orleans, was put on its first reading and adopted.

An act to regulate the mode of keeping of public accounts; first reading and adopted.

An act for the relief of the sheriff of the parish of Iberville; first reading and rejected.

An act to establish a bounty fund for the benefit of Louisiana State volunteers, and to organize a board of control for the receipt and distribution thereof, was put on its first reading and adopted.

An act to provide for the election of a State tax collector in and for the parish of Jefferson; first reading and adopted.

An act to better provide for the collection of licenses; first reading and adopted.

An act authorizing the treasurer of the State to transfer certain funds belonging to the State; first reading and adopted.

Rules suspended, and the bill put on its second reading.

Mr. Laster moved to lay the bill on the table, which was lost.

Mr. Chamberlain amended, as follows :

Sec. 3. *Be it further enacted, &c.*, That the treasurer be, and he is hereby authorized to transfer the funds in his hands to the credit of the internal improvement fund, to the general fund of this State, as a temporary loan.

Mr. Michel moved to table the amendment.

Lost.

The bill was adopted as amended, and ordered to be engrossed for the third reading.

Joint resolution relative to messengers to the electoral college; first reading and rejected.

Joint resolution relative to presidential electors; first reading and adopted.

An act relative to absentees; first reading and adopted.

An act relative to judicial advertisements; first reading and adopted.

An act entitled "An act for the relief of Jos. Gorlinaki, provisional state land register;" first reading and rejected.

An act relative to district attorneys; first reading and adopted.

The House concurred in the Senate amendments in body and title of a bill entitled "An act to extend the powers of constables in the parishes of the State."

An act to provide for the recording of marriages in the parishes of Orleans and Jefferson, was read.

MR. HARNAN—I move the rejection of the bill, as it proposes to create a perfect sinecure office.

A motion to adjourn was lost.

MR. PRESCOTT—Mr. Speaker : I have had occasion to speak in regard to this same bill, at a former session. My present remarks, therefore, will consist of nearly the same arguments as I then used, which I do not think have lost any of their force.

As the law now stands, a party contemplating marriage applies to the clerk of the court, who thereupon makes out two certificates, one of which he retains himself, while the other is forwarded to the person solemnizing the marriage, who returns it to him with all the blanks duly filled, when it is properly recorded.

I think that is all that is necessary, for any party wishing to do so can easily refer to these records for any information—thus making this bill wholly unnecessary. Had a bill been framed with the intention of preserving a record of all births, as our Catholic population do of births in their own societies, I should have been most strongly in favor of it ; but I can regard this as having no other tendency than to enrich an official already too rich—for he is supposed to receive, at the present time, a salary of not less than five thousand dollars per year. We have a large class of population just emerging from slavery to freedom, and it is upon it that the burden proposed by this bill is to fall. Fifty cents is, to any of us, a small sum ; but, to the slave just emancipated, it is not only of object, but sometimes of great importance, as the want of it may prevent his marriage and turn him to vice.

We are in the midst of such a war as the world never before witnessed and the expenses attending it are yet to be paid. Even if it is brought to a termination this year, we shall stagger under a debt such as that which it took England three hundred years to contract. We must pay the interest on this debt—nearly as great as that which England pays upon hers—and if the payment of this interest has nearly paralyzed *that* nation, we have indeed a heavy burden to bear. Why then should we seek to enact measures here, the tendency of which must be to oppress still more heavily the community at large, and one class in particular ; for, as I have already said, it is the negro who has almost nothing in the world, and who is, at it were, struggling into existence, who is most peculiarly prevented from contracting marriage, simply because he cannot afford the luxury. A bill has just been passed in this House, obliging every citizen of New Orleans to pay such a fee for the solemnizing of his marriage, as, together with the present proposed tax, will make the burden still more unendurable—causing the sum total to foot up at seven dollars and a half (\$7 50).

In New Grenada, marriage is almost unknown, as it is cheaper to cohabit, because the license, etc., for a marriage—amounting, in our money, to some six dollars and a-half (\$6 50)—effectually prohibits the population from indulging in it. Allowing for the difference in comparative wealth between the two countries, I most emphatically declare to you, that you will render

marriage so grievous a burden to this community, by passing this and kindred laws, that the poorer classes will dispense with it altogether.

In consideration of the times, I deem it just that the salaries of each and every office should be reduced as low as compatible with the welfare of the public; but as this bill proposes to provide for an unnecessary office, which will be, at best, but a sinecure, I am, for this and my previously enumerated reasons, unalterably opposed to it.

MR. DEJEAN—Mr. Speaker: I do not think that the gentleman's arguments have the least bearing upon the question which is now at issue. He endeavors to illustrate it by examples taken from foreign countries, or from a portion of the people in those countries, which merely shows that those people are utterly unable to be at any other expense than for the bare necessities of life. But, sir, we are not arguing a question which has reference to the population of foreign nations; we are not arguing a question in regard to solvency or insolvency of the citizens of France or England, or any other country, but we are arguing a question which has immediate reference to the people of Louisiana. What is it to us if foreign countries have adopted a law entirely different from our own? Or what is it to us whether their system of jurisprudence does not resemble our own?

The only question now before us is, whether this bill is detrimental or profitable to this community, and I enlist in favor of its entire adaptation and profit to this vicinity.

The gentleman says that it will entail useless expense on the State. I deny it. Why? Because it does not establish an office which is to be supported by the State. It is to be supported by individuals, who form, in aggregate, it is true, the community; but it is not, I mean, to be a tax upon the State government. The bill proposes to establish an office, where every gentleman, who looks forward to the probable event of which may occur during his life, and has a due regard for the future of his offspring, the succession of whom, to their just inheritance depends upon their legitimacy, may record his marriage in order that his children may not be barred by the cavils of the law from the enjoyment of their just rights. Now, if the expense of making and preserving these records were to be entailed upon the State, I would be just as much in favor of taking such measures as would subvert this bill as any other member of this House. But, sir, I think it confers a blessing upon the community; it will be a convenience to the citizens of the State of Louisiana, to have an office of this kind, where their marriages can be recorded, so that whenever a discussion arises as to the right of inheritance, whether it occur in Louisiana or any foreign country, such evidence may be readily obtained as will settle the question finally and equitably.

Every gentleman of this House is aware that according to the civil law of Louisiana, there is a variety of grades, as I may say, of offspring. There are those who are entitled to the inheritance of the property of their ancestors;

there are those who are entitled, in the absence of other heirs, and finally, there are those who are not entitled at all. How will either of the first two classes be able to establish their rights where there is no evidence of their legitimacy and no source from which that evidence can be derived?

I contend that this bill proposes a necessary measure, and I say that in the confused state of the laws of Louisiana, it is not only necessary, but absolutely necessary, that such an office as is suggested, should be established and made the recipient of all that evidence which is requisite under the laws of this State and of every other State of this Union, as well as under those of foreign countries, to establish the right of offspring to the inheritance of that patrimony which is guaranteed them by the laws of every civilized community.

MR. BAUM—**Mr. Speaker**: Not being an orator, I take the liberty of reading my remarks.

It would ill become me, as an advocate of the bill made the subject of this day's consideration, not to present to you, and to the House, of which I am an humble member, some of the cogent reasons that necessarily present themselves to any reflecting mind, upon the necessity of such a bill as the one before us, and the inevitable good results that it must produce to our community.

None, assuredly, could testify with more truth of the necessity of such a bill, than those who, compelled by the wants of their situation, require the evidence of those papers upon which our whole system of society is based—that is, their certificates of marriage. True, it is, that our laws amply provide for these copies, but they meet not the want of the community, scattered over an immense extent of territory; contained in as many different offices as there are districts in the State, the inquirer is subjected to much pain, and often useless walks, which would necessarily be avoided were it confined to a central bureau.

Take for an instance, our simple, good parish of Orleans. One Mr. A wishes his certificate of marriage. Suppose for a moment that he does not recollect the date, year or judge who married him. He must first examine all the marriage books of the seven justices of the peace, each located in a different quarter, and each having no less than ten or twelve marriage books to examine. Nor is that all: after having examined all these books, and not having found it, he must now proceed and examine every record book of every church in the parish; and if that document be of immense value to him, before finding it he may probably spend five or six months of daily search. The passage of such a bill as the one now under the consideration of the House, would obviate all these difficulties, for such a person would then only have to go to one solitary place.

Were it only for this reason, the bill should be passed.

MR. CHAMBERLAIN—**Mr. Speaker**: I have only a few words to say. The

arguments of the gentlemen who favor the bill are very plausible, and apparently logical ; but in reality, the bill does not contemplate the change of any State law. It is especially framed with a view to the benefit of the parish of Orleans.

MR. SEYMOUR—Section 3 covers that.

MR. CHAMBERLAIN—It does not apply, for it only repeals the law of 1855, which relates to this particular parish. This bill is presented for the sole purpose of remunerating some favorite, and for the sole benefit of the parish of Orleans. Therefore, I am, in the beginning, opposed to it.

If the proposed measure is one of such comprehensive benefit, why not include other parishes ? " Oh," it is said, " there is not business enough to pay for a special recorder of marriages." Perhaps not, but it seems plain to me that the proposed beneficent measure is restricted to this parish, because it will yield a nice little sum to some favored pet.

Another argument of friends of the bill is, in brief, that a man can always have ready access to records, for information, in case he should forget the day on which he was married—which I, for one, don't much think I should do, if I should live to the age of Methusaleh. If this feature does present any practical value, it would be well to ask to whom these records are to be transferred, in case of the cutting off the head of the officer in charge ? What is to prevent them from being entirely destroyed or so disarranged as to be of no practical value ? I must say that I see no one particular in which the proposed law is superior to that of 1855, and have therefore delivered these few remarks, which occurred to me as I listened to the remarks of the gentleman preceding me.

MR. BUCKLEY—**MR. SPEAKER** : I am opposed to this bill for the simple reasons—first, that it is not properly drawn up, and secondly, that there is no necessity for it ; though, had it been for the purpose of recording births and deaths, it might have been of some practical utility.

MR. CHRISTIE—**MR. SPEAKER** : As this bill, which I have before opposed, has again come up, I wish now to offer a few remarks in reference to it.

This subject of matrimony is a very dry one to men who have arrived at our age ! [Cries of " Oh, No !"] But I have a practical mind, which grasps and tries a question according to its utility.

Who has come forward and asked for a bill of this kind ? Where are the men who are to support this proposed office, and pay into it from fifteen hundred to two thousand dollars a year ? It is the poor devil of a negro, who must pay his fifty cents to help swell the emoluments of a man already sufficiently pampered by the office he now holds. Yes, it is the poor man who must suffer, and I can but, on looking at this bill practically, assert and charge upon the gentlemen who advocate it, that it is an act of special legislation for the benefit of one special office-holder in this city. [Applause.] Every member in this hall must know that I assert the truth. If the gentle-

men framing it, had made it general in operation, allowing it to be extended throughout the State, they might have presented themselves with an honorable plea for the benefit of the State at large. But, instead of this, they seek but to enrich still more, one individual, and that individual an office-holder already !

The gentleman on my right (Mr. Dejean), proceeds to demolish an opponent of this bill, (Mr. Prescott), by informing us that we are not considering foreign countries, or to draw analogies or inferences from them, and yet, in the same breath, argues that the blessings to be conferred upon the inhabitants of those very countries, by the passage of this act, should cause us to decide in its favor !

I can but think that the law of 1855 is clear enough, distinct enough, and sufficient for the attainment of all those purposes which this bill purports to seek, for we hear no complaint of its practical workings. If this act be stripped of all its verbiage, it will be found to contain nothing worthy of cognizance by this House ; and to be nothing more or less than an act of special legislation, which I must oppose in this, as in every other case. I must, for all of the reasons, conscientiously oppose the bill.

MR. PRESCOTT—Mr. Speaker : I need not, at the present time, dwell at length upon the condition of our country at large, and of this particular community more especially. I must say, however, that in my opinion, our aim should be to relieve the people and not embarrass them ; bearing in mind that as it is the last feather that breaks the camel's back and the last ounce which kills the laborer, so this measure may, in view of our peculiar condition, have the very same effect upon the people of this commonwealth.

This measure is entirely uncalled for—is not required by any class of citizens, since no objection has been made to the present laws ; and is, as it has been rightly branded, nothing but an act of special legislation. I therefore, think that we can do no better than to reject the bill, with which remark I now close this debate.

The bill was rejected—yeas 47, nays 14 ; whereupon, the House adjourned until 12 M., of Monday, the 21st instant.

MONDAY, November 21, 1864.

The House met, pursuant to adjournment, at 12 M., and prayer was offered by the Rev. E. R. Chubbuck.

The minutes were read and approved.

A petition from Mr. E. R. Wagener, stationer, 68 Camp street, stating that he was promised the furnishing of stationery for the different offices, whereupon he annexed a list of prices.

On motion of Mr. Foley, it was referred to the Committee on Auditing and Supervising the Affairs of the House.

The following resolutions were presented, and laid over under the rules:

A resolution authorizing an inquiry into the affairs of the Mexican Gulf Railroad Company.

Also, a resolution setting forth the committal of frauds by W. P. Mellen, Esq., and his subordinates.

The Committee on Judiciary reported favorably on an act relative to the adoption of children.

The following members gave notice of their intention to introduce bills:

Mr. Marie: A bill to repeal article 95 of the Civil Code of Louisiana and permit marriages between the white and colored persons.

Mr. Seymour: An act entitled "An act relative to bills of exchange and promissory notes."

Mr. Dejean: A bill entitled "An act relative to the community of acquets and gains."

Mr. Christie: A bill entitled "An act for establishing the police of courtézans."

Mr. Bofill's act authorizing the recorders of certain courts to appoint special policemen, at a stated salary.

Mr. BAUM—I move its rejection.

Mr. LASTER—This is a matter pertaining entirely to the Common Council of this city, and we have nothing to do with it.

THE SPEAKER—The gentleman presenting the bill has the privilege of explaining it.

Mr. BOVEE—He is not present, sir, and as a matter of courtesy, the bill should pass to a second reading.

Mr. CHRISTIE—I only wish to correct the false assertion just uttered, Mr. Speaker; it is not a fact that we have nothing to do with the interests of this city, for, on the contrary, we have much to do with it, commensurate with its importance, as it demands. It is time that this erroneous idea was corrected and I seek to do so.

Mr. DUANE—The city of New Orleans possesses, according to the constitution, a proper police force, the members of which are detailed on all occasions and to all the places where their services are needed. Since, and as long as this is the case, I see no necessity whatever for the passage of this bill.

Mr. LASTER—Mr. Speaker: I believe that the only thing we have to do with legislating for the city of New Orleans is, to provide it with a proper charter, and that any legislation on our part regarding its municipal affairs, will be extremely unbecoming.

The motion to reject was carried.

An act to amend an act entitled "An act relative to divorces," approved March 19, 1827, as now incorporated in and forms a part of article 139 of the Civil Code of Louisiana.

First reading and adopted.

An act relative to parish recorders.

First reading and adopted.

An act for the organization of corporations for works of public improvement and utility.

First reading and adopted.

Mr. Foley moved a suspension of the rules, in order to take up bills on second reading and refer them to the appropriate standing committees.

Motion adopted.

An act relative to the sureties on judicial bonds.

Second reading, and referred to the Committee on the Judiciary.

An act to abolish the Black Code of Louisiana.

Second reading, adopted, and ordered to be engrossed for third reading.

An act to amend article 3465 of the Civil Code of Louisiana.

Second reading, and referred to the Judiciary Committee.

An act relative to attorneys and counsellors at law.

Second reading, adopted, and referred to the Committee on the Judiciary.

An act to appropriate bounty money to the First Volunteer regiment, Louisiana volunteers.

MR. CHRISTIE—I shall vote "no," on this bill, Mr. Speaker, as I believe it is rather too much of a special act. I am in favor of extending the provisions of the act so that it may apply to all the men from Louisiana, enlisted in the service of the general government.

MR. FOLEY—Mr. Speaker: I shall also vote "no," on the adoption of this bill, for the reason just stated; and also for the additional reason, that more than half of the men composing this regiment are deserters from the Confederate army, who cannot be protected by the general government, if they again fall into the hands of the rebels.

MR. DUANE—Mr. Speaker: The gentleman is most certainly in error, for the enlistment of Confederate deserters is directly contrary to law. I know that a large portion of this regiment is composed of citizens of New Orleans, who have large families here, and are as deserving as any soldiers of any other State.

I know that some five thousand Louisianians have enlisted in various skeleton regiments from Massachusetts and other Eastern and Northern States, and have received bounties from the respective States to which those regiments belong. How, then, when this is the case, can Louisiana, while refusing to give bounties for the filling of her own regiments, composed of her own people, expect that they will ever arrive at a respectable position, either in point of number or character? We have already too many needy families dependent for their very bread upon the general government, and I do not wish to see more added to that list, through the withholding from our own home regiments that bounty which is their right. I call upon this honorable House to encourage Louisiana soldiers.

MR. PRESCOTT—MR. SPEAKER: I think the gentleman is wrong with regard to the receiving by the United States of deserters from the Confederate government, as I have known personally of many instances, establishing just the contrary of that position; though whether they were *legally* so received, may be a question.

I think that every member of this House is perfectly willing to do justice to the men of Louisiana, who have enlisted in this or any other organization of similar character; for we know that they have sacrificed everything dear to the generality of men. Patriotism has been very popular at the North; but we in this State know better how to prize it, when we reflect that it was in this locality, and in many others still is the case, that the espousal of the Union means beggary and death, and that the families of loyal men, if within the Confederate lines, are not only insulted, but that the torch of the incendiary seldom fails to transform into a pile of formless ashes, that which was once a beautiful residence or a valuable garden. I am willing to, and do, recognize the value of the services of loyal men; but I must think, with a gentleman who has already spoken (Hon. J. Foley), that this proposed legislation is too partial; for if this particular Louisiana regiment is entitled to a bounty, so (it seems to me) is every other regiment of Louisianians.

If this bill passes, a great deal of dissatisfaction will be thereby engendered; for other State regiments will claim that they have sacrificed as much, and rendered as great, or perhaps greater services, than this regiment, and should not, therefore, be debarred from any benefits which that may receive. I think, myself, that a great injustice would be done by passing this or a like bill; but if any bill is brought forward in this House, embracing the rest of our State force, I would support it most willingly, if we can raise the means wherewithal to carry it into effect; but in view of the utterly exhausted condition of the State treasury—of the almost total impossibility of raising means with which to carry on our State government even, how shall we be able to meet the great expenses which will result from such a mode of legislation? We must bear in mind the fact that our credit is very low. If, then, we can hardly meet these obligations, how can it be supposed that any bonds which it is proposed be issued, will be regarded as a safe investment?—more especially as we cannot now pay the interest upon the State debt. In view of this, our financial condition, I must say, with regard to the passage of this bill, if indeed it does pass, that it will be but a compliment to brave men, who will not appreciate it, for the reason that they wish something more substantial.

If any gentleman will propose some other method of remunerating this class of men, as by granting each of them a hundred and fifty or sixty acres of land, I will support it, because that can be given, and will be of much more permanent value to the soldier, as it cannot be squandered like money. But I am most decidedly opposed to creating any obligations which we cannot

meet. Although, as I have before said, if any gentleman will propose any feasible method by which we can recompense the patriotism of our brave men in the field or camp, it will meet with my hearty support.

MR. TULLY—**Mr. Speaker** : I wish first to state, that the other regiments have already received bounties from the general government. That this is a special law, is true, but this is a special regiment, composed, to some extent, of refugees from the Confederate lines, who slept days and nights in our marshes, sacrificing everything but life itself to their love of, and loyalty to, the Union. They have only received twenty-five dollars bounty, while the other regiments have received three hundred.

It will be said that these soldiers do very little service. They do duty within the defences of New Orleans, which extend as far as Ship Island and Berwick's Bay. If they did not perform this duty, it would necessarily require the withdrawal of soldiers from the general service to fulfill the same object as they now do. I certainly think these troops are entitled to one hundred dollars bounty, while other regiments have received three hundred dollars. Their families are in a destitute condition, and I trust that in view of this fact, those I have previously stated, and the exceeding stringency of the times, the House will pass this bill.

MR. TODD—**Mr. Speaker** : I want to know if gentlemen upon this floor will vote to grant our soldiers the bounty they deserve, or not. Granting that they only do duty in these defences, I for one would not feel safe in this city for an hour if they should depart it, and believe that if it were not for them, the Confederates would be here now. Every rebel deserter has been mustered out of the service, as, if I cared to call names, I might prove by an officer now in this House. When this question is finally acted upon, I wish the yeas and nays on the question.

MR. DEJEAN—**Mr. Speaker** : The last gentleman seems to favor this bill principally on the grounds of personal safety. But we are not here to legislate for the welfare of one or two individuals; on the contrary, before we pass any law, whether to reward those who have rendered services to the United States, or this State, we must at the same time consider the condition of the State as it exists at present. I say that at a time when it is almost impossible for us to raise the means by which to sustain the government of the State, that we cannot think of assuming the responsibility of taxing, to any further extent, the already impoverished citizens of this State, unless we wish to banish them from their homes, that our own ends may be subserved. We cannot think of taking upon ourselves the promulgation of such a measure, but as we can in no other way carry out the provisions of this bill, we must postpone its further consideration until our financial affairs assume a more favorable aspect. With these remarks, I close the debate.

MR. DUANE—**Mr. Speaker** : I would like to say, in explanation, that

previous to the raising of this regiment, three others had been raised, each soldier belonging to which, received three hundred dollars from the general government, which recruited them. This, however, is the first State regiment, the members of which have only received twenty-five dollars. They know the present financial condition of the State, and only wish this bill passed in order to facilitate the filling up of the regiment—not expecting or caring to receive the bounty proposed for one or two years.

As for the duties which this regiment has performed, I contend that they are and have been as laborious and valuable as those of almost any other. A portion of it went up Red river with Gen. Banks, and did signal service there. It has also performed provost and garrison duty throughout the country. I can but believe that the rejection of this bill by the House will be prejudicial to the cause at large, and be a gross injustice to this regiment, which so much deserves and needs the appropriation therein proposed.

MR. CHRISTIE—Mr. Speaker: I felt that it would be well nigh impossible for the State to grant a hundred thousand dollars to the men of this regiment, but in view of the emergency of the case, I could not refrain from presenting before you the claims of these men, that they might be fully discussed and understood, even though no specific action were taken in the matter.

I know the character of these men. I have met them on the distant frontier, and can testify to the efficient duty which they have and can perform. They are deserving of more recompense than they have or will receive; but, in view of the great decrease in our sources of revenue, and the tax-burdened condition of the State, I do not see how we can be otherwise than very cautious in our appropriations of public money, for each and every one of which we must answer to our already oppressed constituents.

The motion to reject the bill was lost, whereupon it was postponed, subject to call.

An act to amend article 155 of the Civil Code, was adopted on second reading, and ordered to be engrossed for a third reading.

A motion to adjourn was lost—ayes 12, nays 39.

MR. CHAMBERLAIN—Was there not, Mr. Speaker, a resolution passed in this House, directing all matter sent to the printer to be returned in three days?

THE SPEAKER—There was, and I will see that it is enforced.

MR. KAVANAGH—I don't see any possibility of our getting a quorum, Mr. Speaker.

THE SPEAKER—I intend there shall be one, if it consumes the remainder of the day. There should be some rule prohibiting members from breaking up a quorum.

MR. KAVANAGH—I move we adjourn, as there is no quorum present.

THE SPEAKER—It may become necessary to reverse the decision of the chair.

MR. KAVANAGH—I would most respectfully request the speaker to change his decision, and allow the motion to adjourn to prevail.

THE SPEAKER—I have sent out the sergeant-at-arms, and expect that he will soon procure a quorum.

MR. BURKE—Is that any reason why we should not adjourn?

THE SPEAKER—Yes, sir.

MR. BURKE—I thought the motion to adjourn was always in order.

THE SPEAKER—The chair decides it out of order, sir.

MR. BURKE—I never knew it to be out of order before, in my life.

THE SPEAKER—The chair wishes to inform the House, that he does not wish the House to sit until there is a quorum, but only desires it to wait for a few minutes, that one may be procured, if possible; if not, then the chair will entertain a motion to adjourn.

MR. BURKE—I move we adjourn for want of a quorum.

MR. FOLEY—I ask for a call of the House.

Fifty-five members answered to roll-call.

MR. BURKE—I renew my motion.

The motion was declared lost.

MR. TODD—Mr. Speaker: I rise for information. Is it usual for members of the Legislature to sit with their hats on during the session?

THE SPEAKER—I do not know that we have any rule prohibiting it. * * I will put the question of adjournment again.

The question, on being again put, was carried, whereupon the House adjourned untill 12 m., Tuesday, 22d inst.

TUESDAY, November 22, 1864.

The House met pursuant to adjournment, and prayer was offered by the Rev. Mr. Horton.

After some delay, a quorum was obtained, and the minutes read and adopted.

Mr. Foley offered the following resolution:

Resolved, That the Committee on Judiciary be requested to prepare an act or acts for the purpose of abrogating all articles of the Civil Code and Code of Practice, that are inconsistent with the present constitution of the State.

The resolution was adopted.

The following joint resolutions were offered by Mr. Brooks, and adopted:

Whereas, The State of Louisiana is now a State under the Federal government, claiming its rights as such; and

Whereas, The commercial intercourse of the State is under the supervision of the United States Treasury Department; and

Whereas, William P. Mellen, the general agent of the Treasury Department of the United States, is implicated in the frauds practiced in the treasury agencies at Vicksburg and Natchez, and also has been, by his son, Wil-

liam S. Mellen, a minor, represented in the profits and interests of various trade stores at Natchez, Vicksburg, Big Black Bridge, and other places; and furthermore has attempted to conceal the frauds practiced by his subordinate agent, William Burnet, at Natchez, Mississippi; and

Whereas, Such conduct on the part of a general agent of the Treasury Department of the United States is unbecoming the character of a public officer, and injurious to the rights of the people; therefore,

Be it resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the secretary of the treasury of the United States be, and he is hereby requested to remove the said William P. Mellen from the office of general agent of the Treasury Department, and appoint in his place a man in whose integrity full confidence can be placed by the people of the United States.

Resolved, further, That our hearty thanks are due to Brigadier General Brayman, commander of the District of Natchez, for his energy in ferreting out these frauds, and restoring to several loyal citizens of the State of Louisiana and of the United States, a large amount of property that had been taken from them by the subordinate treasury agent at Natchez, William Burnet, and appropriated to himself and friends.

Mr. McDonnell offered the following joint resolution:

Whereas, There are now living in the city of New Orleans and State of Louisiana, many loyal pensioners, who have had life pensions granted them by the United States government; and

Whereas, Since the rebellion, those pensioners have been deprived of their pensions; therefore,

Be it resolved, That the members of the General Assembly do hereby petition and request the secretary of the interior to establish, as soon as practicable, a pension agent for the State of Louisiana.

Resolution adopted on first reading.

Mr. Wheeler offered the following resolution:

Resolved, That the Committee on Internal Improvements be instructed to investigate the management of the affairs of the Mexican Gulf Railroad Company, and ascertain whether the said affairs are managed according to the requisites of their charter, and report the same to this House.

Resolution adopted.

The following members gave notice of their intention to introduce bills:

Mr. Bovee: A bill entitled "An act to amend and re-enact the 10th section of an act to provide for the administration of the Charity Hospital," approved March 19, 1857. Also, a bill to re-enact the 10th section of "An act to provide for the administration of the Charity Hospital," approved 1855.

Mr. Breckenridge: A bill prohibiting marriages between whites and negroes and Indians.

Mr. Seymour: An act relative to brands and marks of animals.

Mr. Bofill: An act to amend section 9 of "An act relative to juries in the parish of Orleans."

Mr. Pearson: An act to amend the various acts incorporating the New Orleans Gaslight Company.

The following bills were adopted on their first reading:

An act to exempt certain property from seizure and sale for debt.

An act to exempt certain property of debtors from forced sale.

An act to grant Edward Gario, of the parish of St. Landry, the privilege of keeping a ferry.

A bill entitled "An act to protect the property of Union refugees," was taken up on its first reading.

MR. KAVANAUGH—I move to reject the bill.

MR. PRESCOTT—The bill only affirms laws already established, and if the gentleman will refer to the Revised Statutes of Louisiana, he will see that there has been legislation on this subject, but unfortunately, that legislation took place in times of peace, and we are living in a time of war, when these enactments are altogether inoperative. In this bill I have only made these enactments applicable to the existing state of things. A large portion of the State has been abandoned by both parties—Unionists and Secessionists. The Secessionists have taken away their property and left their large establishments wholly unprotected, and they are generally occupied by men who are wasting their substance as fast as they can, but I do not desire giving them any protection. This bill is only intended for the relief of those who have not been in the service of the Confederate States. The Union refugees need protection, and I would protect them. There are thousands of families far from their homes, and I would not be surprised if a majority of the poor people of Louisiana are now exiled in the Northern States. Why are they away? Some have been driven away by the point of the bayonet; some have left to get the means of subsistence, and others to avoid being conscripted into the rebel army and compelled to fight for a cause they detest, and against the government under which they were born and for which they are willing to die. I, as their representative, ask you to protect their property as far as you can. A legal protection already exists, but unfortunately it was made in times of peace, and is now practically null and void and inoperative. It is necessary to alter this law to meet the existing state of things. I have seen hundreds of these poor people leave in one day to go to the Northern States, where they are received with suspicion and distrust; many of them to die in that uncongenial climate. Those who live to return will, unless we pass some law like this, only come back to find their homes laid waste and their property destroyed, and no redress to be had.

A great many from Arkansas, Missouri, Texas and other States, who have flocked into Louisiana and occupied their places, and have burned their fences, cut down their fruit trees, and moved their houses, and if they are not held responsible, these people, on their return, will find nothing but the bare land. What is the land without improvements, and how can improvements be made without money? Nine-tenths of these martyrs to liberty, who have sacrificed all to maintain the existence of the glorious Union, will return beggars, unless we preserve their homes to them. If we cannot make

those who have occupied their houses pay for the damage they have caused, we can, at least, have the satisfaction of punishing them and sending them to jail to work out the injury they have done to others. As soon as this law is passed, these parties will be very careful how they misappropriate and destroy property, and it is our duty to protect the property of these Union citizens.

MR. HARNAN—I wish the bill to be printed so that members can see what it is, before it is rejected.

MR. FOLEY—I would like to have the gentleman who made the motion to reject, give his reasons.

MR. KAVANAGH—I think the bill offered by the gentleman is so ridiculous that it is scarcely necessary to say anything on the subject.

I would ask the gentleman where are the lands situated and who has charge of them? What would these parties care for us, if we were to pass a law holding them responsible?

I presume they are outside of the Federal lines, and no law we could make would have any effect.

The motion to reject, on being put, was lost, and the bill adopted.

"An act to provide for increasing the revenue of the State and raising means to pay the interest on the debt of the State," was adopted.

Mr. Chamberlain was called to the chair.

The act to re-enact the act of 1845, "authorizing the construction of a railroad from Thibodaux to intersect with the New Orleans and Opelousas railroad," was referred to the Committee on Internal Improvements.

"An act to abolish chapter 3, of title 6, of the Civil Code," was referred to the Committee on Judiciary.

On motion of Mr. Foley, one hundred and fifty copies of the report of the Committee on Ways and Means were ordered to be printed, an amendment to two hundred being lost.

An act for the promulgation, preservation and conduct of the public records of the judicial and legislative written proceedings of Louisiana; also, An act for the adoption of minors, were adopted.

A motion to adjourn was followed by a call for the yeas and nays.

MR. FOLEY—I would ask for the opinion of the chair in regard to calling for yeas and nays.

THE SPEAKER *pro tem.*—I refer to rule 80 of our rules and regulations.

MR. FOLEY—I would refer you to the former proceedings of the Legislature of Louisiana, showing that when a motion is made for the yeas and nays, and seconded, it was put without objection. I take that as a precedent to go by and don't think we have any thing better. I appeal from the decision of the chair upon the question as to how many can call for the yeas and nays.

THE SPEAKER *pro tem.*—I have decided that they shall be called?

The motion to adjourn was lost—yeas 16, nays 41.

An act was presented to grant a loan of one hundred and seventy-five dollars to each of the parishes of Lafourche and Terrebonne, the rejection of which was moved.

MR. HARNAN—Mr. Speaker: I am opposed to this, simply because the sheriffs of these parishes should be able to collect their taxes, and not come to us for everything they wish, even for electioneering purposes. Therefore, I move its rejection.

MR. CHRISTIE—Mr. Speaker: The sheriffs of the parishes referred to will pay back this money, should it be loaned, within a period of about two months. At present, it is almost impossible for the judge of a court in either of these parishes to get along—to procure necessary supplies of stationery, just at this particular time. I would not advocate the practice of presenting bills for such purposes, but in this particular case, it seems to me it would do no great harm to the treasury, while it would be an undoubtedly great relief to the parishes. I have reason to know a little in regard to their difficulties just at present. I also know, that they will soon be receiving taxes, which will enable them to repay these sums, in at least three months.

MR. MICHEL—Mr. Speaker: I wish to inform the House that the members from the parishes referred to know nothing about that bill. The State cannot do this, for the officers of a parish must furnish stationery for themselves. Therefore, I move the rejection of the bill.

The bill was rejected.

A bill was presented, to tax the gross receipts of plank roads, etc.

MR. HARNAN—I am in favor of that bill, and hope it will be made a part of the bill for equalizing taxes.

MR. TODD—Mr. Speaker: Section 11 of that bill, introduced this morning, is too vague and indefinite. Therefore, I wish to erase that section and have this, which covers all the ground, inserted in its stead.

THE SPEAKER—That bill has only been read once, and this one can come up as an amendment to it.

The bill was adopted.

A motion was then made to refer it to the Committee on Internal Improvements.

MR. FOLEY—I am opposed to that, Mr. Speaker, because I believe that the bill emanated from that committee. I move, as an amendment, that it be referred to the Committee on Ways and Means.

MR. TODD—I object to that, because the bill emanated from that very committee. Therefore, I move that it be referred to the Committee on Judiciary.

MR. KAVANAGH—I would state, that it is the duty of the Committee on Ways and Means to draw up all tax bills; but if gentlemen choose to take the matter out of our hands, it will relieve us of a heavy burden.

The motion to refer to the Committee on Ways and Means, was carried.

An act authorizing the heads of departments to assume the control of

labor on public works, was adopted on second reading.

MR. TULLY—I move a suspension of the rules, to take up “An act relative to the transfer of the internal improvement and free school funds to the State, as a loan.”

The speaker resumed the chair.

MR. FOLEY—The bills now read are under second reading. The gentleman requires a further suspension of the rules, that the bill may be put on the second reading. I second the motion.

The rules were suspended, and the bill read the third time.

MR. CHAMBERLAIN—I object to the bill, because it has not been properly written—because we must not meddle with the sacred school fund. The bill should be merely for the transfer of the internal improvement fund, and therefore must be altered so as to strike out the clause relating to the free school fund. I object to allowing it to go before the House as it is, as my amendment strikes out section 2.

MR. FOLEY—Mr. Speaker : I was in the chair at the time when this matter came up before. I believe that no explanation was then given by the gentleman, but that he merely handed up his amendment as a substitute.

MR. PRESCOTT—Mr. Speaker : I only wish to say a few words. I think it is not contemplated to take possession of the current school fund, but only of the accumulating school fund, of which the interest only is to be used, but has never been called for. Therefore I think that there is no violation of law, as we shall have ample resources with which to replace it.

The bill and title were adopted on third reading.

MR. CHAMBERLAIN—I wish my opposition to that bill to be recorded.

MR. CHRISTIE—I also wish the clerk of the House to record my protest against the transfer of the school fund.

MR. BURKE—I wish my protest to be entered up also.

The House then adjourned until 12 m., November 23.

WEDNESDAY, November 23, 1864.

The House met pursuant to adjournment at 12 m., and the proceedings were opened with prayer by the Rev. Chas. Strong.

The minutes were read and approved.

Mr. Michel offered the following resolution :

Whereas, His Excellency, Abraham Lincoln, president of the United States, has set apart Thursday, 24th of November, as a day of thanksgiving throughout the Union ; and

Whereas, His excellency, the governor of the State, also recommends to the people of the State, that the 24th day of November be observed as a day of rest ; be it therefore

Resolved, That for the purpose of observing the above proclamations, that when this House adjourns this day, it adjourn until Friday, at 12 o'clock m.

Resolution adopted.

Mr. Laster offered the following resolution :

Whereas, There has been, or supposed to have been, gross frauds practiced in the furnishing of stationery to this House, and in order to guard against a repetition of the same in future,

Be it resolved, That the clerk of the House be and he is hereby directed to make up a list of such articles of stationery that is, or may be necessary for the use of this House and the different committees, and to have the said list exposed to the view of the different stationers of this city in his office, from the 1st to the 10th of December, inclusive.

Be it further resolved, That the different stationers of this city are hereby invited to call and examine said list, and on or before the 13th day of December, to hand to the clerk of the House their proposals, stating their prices of each article as set forth in the list, together with the name of their securities, said proposals to be addressed to the Committee on Proposals.

Be it further resolved, That the said Committee on Proposals shall consist of three members, to be appointed by the speaker.

The resolution was laid over under the rules.

The following members gave notice of their intention to introduce bills :

Mr. Senette : An act entitled "An act to repeal an act entitled an act to repeal an act to regulate the jurisdiction of the justices of the peace of the parish of Orleans in certain cases," approved March 13, 1860.

Mr. Todd : A bill entitled "An act relative to the boundary of parishes." Also, a bill relative to auctioneers.

An act relative to the clerks of the Supreme and District Courts. First reading and rejected.

An act to amend an act entitled "An act to authorize John Wright to keep a billiard room in the parish of St. Landry," approved March 16, 1859. First reading and rejected.

An act to abolish jury trials in civil cases. First reading and rejected.

An act to repeal section 6 of an act entitled "An act to provide a revenue and the manner of collecting the same," approved March 15, 1855. First reading and adopted.

An act to abolish article 1462 of the Civil Code of Louisiana. First reading and adopted.

An act authorizing Peter Conrad to establish a ferry across the Mississippi river. First reading and adopted.

An act repealing article 95 of the Civil Code of Louisiana, and permitting marriages of white with colored persons. Rejected. ●

An act to repeal article 95 of the Civil Code, and permit the marriage of white with colored persons, was taken up.

MR. BAUM—I move its rejection.

MR. FOLEY—I move to strike out section 2.

MR. KAVANAGH—I wish to know who offered that bill?

THE SPEAKER—Mr. ———.

MR. LEWIS—I do not doubt, Mr. Speaker, that there are many white men

living with negro women, and believe they ought not to be *allowed* to marry them, but should be *compelled* to.

MR. CHAMBERLAIN—Mr. Speaker: So far as the bill is concerned, it merely recommends the repealing of a bill which must be repealed, because it is inconsistent with the constitution of a free State. Why should we not repeal it as a bill separate and alone, instead of repealing it as we must when we come to a recodification of the code. The adoption of this bill does not permit marriage between white and colored persons, but merely repeals article 95, which prohibits it—forbidding a slave thus to contract marriage.

MR. FOLEY—I am in favor of the passage of this bill, Mr. Speaker, because it is in accordance with the very first article of the constitution, which declares that there are no slaves. This article 95 says that free persons and slaves are incapable of contracting marriage. Because the first section of this bill repeals this article, I am in favor of it.

I am opposed to the second section of the bill, for the reason that it allows white and colored persons to marry. But whether we pass the bill or not, the right is, to all intents and purposes, recognized by the constitution here adopted.

MR. BOUDREAUX—I don't think the bill is at all necessary, as the constitution of itself repeals all laws relative to slaves.

MR. BRECKENRIDGE—I agree with the gentleman, so far as he goes, but am also opposed to the bill for the reason that, according to my belief, marriage between whites and blacks is contrary to nature. It is of no use whatever for man to attempt, by his enactments, to reverse the immutable laws of nature, and I am, therefore, opposed to any amalgamation scheme.

The bill was rejected—yeas 57, nays 5.

MR. FOLEY—I move a reconsideration of the vote relative to the transferring of certain moneys from one to another fund. I voted with the majority.

On the motion to table being put to the House, a quorum was found wanting, but when that was finally secured, the motion for reconsideration was carried.

A message from the governor announced that he had signed the act relative to criminal fees in the parish of Jefferson.

The following bills were taken up on their second reading:

An act relative to attorneys at law—adopted and ordered to be engrossed.

An act to grant salaries to the clerks of courts of record in the different parishes of the State, excepting that of Orleans. Rejected.

An act for the collection of taxes in the State of Louisiana, and for the payment of the State debt—referred to the Committee on Ways and Means.

On motion of Mr. Laster, the House then adjourned until 12 m., Friday, November 25.

FRIDAY, November 25, 1864.

The House met, pursuant to adjournment, at 12 M. and sixty-five members responded.

Prayer was offered by the Rev. Mr. Thomas.

The minutes of the last day were read and approved.

Mr. Lewis offered the following resolution, which was adopted :

Be it resolved, That for the convenience of the members of the House of Representatives, the orders of the day shall be posted in some conspicuous place within the bar, before the hour of meeting, on the day on which such orders are to be taken up.

Mr. Decker offered the following :

Whereas, By the provisions of the late free State constitution of the State of Louisiana, which was framed in a spirit of right and justice, and upon the principle of universal liberty, for which our government is distinguished, it has liberated and emancipated a very large number of colored persons that have for years been in bondage or abject slavery ; and by their long servile condition they are ignorant, illiterate, and consequently immoral, and quite incapable, at present, of the enjoyment of liberty and freedom in the fullest sense of the word ; and by said act of emancipation the system of manual labor in our State has become so deranged that our agricultural products have decreased to such an alarming extent that want, ruin and vagrancy stares every thinking mind in the face. It is a well known fact that this class of people, lately admitted to the rights of man, are a distinguished or peculiar set of laborers, well adapted to our climate, and calculated, by proper teaching and education, and with proper management, to be self-supporting and useful to the country that has done so much for them, and would enable them to bring up their children in the way to enjoy all the rights that belong to man alone. It is therefore believed that it is a duty incumbent on this Legislature to enact a special set of laws, applying particularly to this class of laborers and their employers, compelling this class of laborers to labor faithfully, and compelling employers to faithfully pay them and do their duty towards them, under the penalty of proper fines and punishment ; therefore,

Be it resolved, That a special committee of nine be appointed by the chair to take the subject under consideration, and report, by bill or otherwise—the chair to select as many practical agriculturists as practicable.

On motion of Mr. Foley, the rules were suspended and the resolution adopted.

The joint resolution relative to Mr. Mellen, general agent of the treasury, was referred to the Committee on Federal Relations.

The joint resolution relative to the establishment of a pension agency, was adopted on its second reading.

Mr. Creigh offered the following :

Resolved, That the sergeant-at-arms be instructed to place the members' desks as they were heretofore ; also, to explain to this House by what authority he placed the desks in their present form.

MR. CHAMBERLAIN—I move it be rejected, as the desks were placed before it was impossible to introduce more stoves in the room, and think the ser-

geant-at-arms has done very well in re-arranging the desks and chairs in this manner. It is necessary that we should have more stoves.

MR. SEYMOUR—I am opposed to the change, and do not think we need any more stoves.

MR. FOLEY—I would state, that the Committee on Auditing the Affairs of the House directed the sergeant-at-arms to procure two more stoves for the proper heating of this room, and he could not put the stoves in here without changing the desks.

MR. CREIGH—I would like to know if the gentleman instructed the sergeant-at-arms to move us from the second row of seats to the last.

MR. FOLEY—I call the gentleman to order. He is becoming personal.

The motion to reject was then carried.

The following bills were taken up on their first reading :

An act to authorize Duncan Smith to keep a ferry on his own land, on the Calcasieu river, Calcasieu parish.

Adopted.

An act from the Senate, to organize the Supreme Court.

The rules were suspended to put the bill on its second reading, and it was referred to the Judiciary Committee.

An act relative to sheriffs.

Withdrawn by consent of the House.

An act relative to constables, the parish of Orleans excepted.

Adopted.

An act relative to bonds.

Adopted.

An act relative to cemeteries.

Adopted.

A joint resolution fixing the mileage of members at twenty cents per mile, was adopted on its second reading, and ordered to be engrossed, and by a suspension of the rules finally adopted.

The bill entitled "An act for the relief of St. Joseph's church, Baton Rouge," was taken up.

MR. CHAMBERLAIN—I move its rejection, for we cannot expect to pay the expenses of the war at present. If we pay for the damage claimed in this case, we shall have the whole city presenting such bills, and they will be just as much entitled to relief.

MR. PRESCOTT—I think we ought to grant it. I am informed the building cost \$60,000, and it belongs to a very influential denomination, and if the money is not appropriated the building will go to ruin, and at some time will have to be replaced. A little firmness on our part will prevent difficulty arising from the granting of this claim.

MR. BROOKS—I think if we make this appropriation we might do so for the repair of many other buildings. If we establish the precedent of appropri-

ating money for such purposes, we may go on and use all the money in the State treasury.

MR. CHRISTIE—I am opposed to the bill on the ground that it is impracticable, for it would be altogether impossible for the State of Louisiana to pay for the destruction which this war has caused. The government of the United States will never pay a single dime for this purpose, nor can the State, and the fact that the congregation is large and influential is an additional reason for rejecting the bill.

MR. VAN TROMP—I would inform the gentleman this is not private property but a public institution, and if the money was appropriated, it would be for a very charitable purpose.

MR. HARNAN—I think that every denomination ought to support itself.

A motion to table the bill was then carried.

"An act to authorize the issue of State treasury notes," was read.

MR. CHAMBERLAIN—I move it be referred to the Committee on Ways and Means.

Lost.

MR. DUANE—I move it be referred to the Committee on Finance.

Lost.

MR. O'CONNOR—I move the bill be adopted.

MR. CHAMBERLAIN—The constitution of the United States says: "No State shall enter into any treaty of alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts." According to that provision, the bill is unconstitutional. Besides that, we are not yet recognized as a State, and are, therefore, usurping power in attempting to issue treasury notes. I would rather this matter should be indefinitely postponed. If we can issue the notes at all, it will be the time to do it after our recognition at Washington.

MR. MICHEL—If we are not a State, then the provision does not affect us; but able jurists have decided that we have a right to issue such notes.

The bill was adopted by the following vote: Yeas 42, nays 18.

The bill was then ordered to be engrossed.

The bill entitled "An act to create the office of register of conveyances for the parish of Orleans," was referred to the Committee on Judiciary.

The bill entitled "An act incorporating the Louisiana Land Improvement Company," was taken up on its second reading.

MR. TODD—I move the bill be rejected.

MR. MICHEL—I move it be referred to the Committee on Internal Improvements.

Lost.

MR. CREIGH—I move the bill be laid on the table.

Carried.

The bill entitled "An act relative to public lands," was laid on the table. On motion, the House then adjourned until 12 m., Monday, November 28.

MONDAY, November 28, 1864.

The House met at 12 o'clock m., pursuant to an adjournment, Hon. S. Bel- den, speaker, in the chair.

The proceedings of the House were opened with prayer by Father John J. Magee.

The journal of Friday, 25th instant, was adopted as read.

MR. TULLY—I move that Mr. Wheeler be allowed to change his vote in regard to the bill rejected at the last session, relative to the marriage of white and colored persons.

MR. WHEELER—At the last session, I voted "no," as I supposed, upon the adoption of the bill; but I find that the motion before the House was on the rejection, and as I therefore voted, in effect, for the adoption of the bill, I wish to change my vote.

• Mr. Tully's motion was carried.

Mr. Decker's preamble and resolutions relative to having a special committee of nine appointed to examine the condition of emancipated slaves, and propose acts or laws necessary for their improvement, were read a third time and adopted, and the speaker appointed the following named gentlemen as a committee: Messrs. Decker, Burke, Bisbee, Woodward, St. Martin, Shaw, Corley, Hawkins, Prescott.

Joint resolution relative to pensions was put upon its third reading and adopted.

A resolution inviting proposals for furnishing the House of Representatives with stationery by, contract, was taken up on its first reading.

MR. FOLEY—I believe there is a standing committee already appointed for the very same purpose, which is, the Committee for Superintending and Auditing Accounts. I would call upon the members of this House to know if they have found any fault with the committee, up to the present time? I see no necessity for the resolution, but think that it is a direct insult to that committee, and if adopted, I, for one, will resign, and serve no longer upon it. Therefore, I move that the resolution be laid on the table.

Motion carried.

The usual reports of standing committees were made and adopted.

MR. TULLY—I would like to know, Mr. Speaker, whether the Committee on Internal Improvements have reported in regard to the Mexican Gulf Railroad? It is in a condition dangerous to the lives of its passengers, and should be attended to forthwith.

MR. TODD—I would state, in reply to the gentleman, that the committee has sent for books, papers, etc., and hope to be able to report at an early day

The following members gave notice of their intention to introduce bills :

Mr. Prescott : " An act to regulate houses of ill fame in the city of New Orleans."

Mr. Kavanagh : " A bill excluding from office of trust or profit, in the State, all persons living with, or having for their wives, persons of color."

Mr. Cook : " An act to extend the time for payment of State taxes."

An act relative to injunctions, was taken up on its first reading.

Mr. CHAMBERLAIN—I move its adoption.

Mr. TULLY—I move the rejection of the bill. It is a verbatim copy of an act already upon our statute books.

Mr. CHAMBERLAIN—Mr. Speaker : If that is the case, I am in favor of its rejection, because we should not consume our time in re-enacting acts already enacted and in force, for there are hundreds of clauses and sections both in the statutes and Civil Code which require amendment and revising, to make them conform to our constitution. These are the ones which should employ our time in regulating, and not the others. It becomes us to so use our time as to conduce to the welfare of the State, not to waste it in passing these useless acts.

Mr. TODD—I would inform the gentleman that this bill was before the Judiciary Committee, and was by them reported on favorably.

Mr. RIGGS—Mr. Speaker, I presented that bill, but have no objection to withdrawing it.

Bill rejected.

The militia bill was taken up as the order of the day, and the second section, relative to exempting members of the General Assembly, read.

Mr. CHAMBERLAIN—Mr. Speaker : I have a rider to offer to this section, to strike out. Believing, as I do, that it is the duty of leaders to go forward, I believe that we occupy the position of leaders to this State, and think that it is our duty, as framers of this militia bill, to assist in achieving the honors and sharing the hardships, if there are any, of the members of the militia. Therefore, I move to strike out from the words, " and their respective officers," down to " all customhouse officers," etc.

I believe that we, too, should show the people of our State a willingness to serve as militia, that it may not be said that we are able to make a militia bill, calling out the people at large, but take good care to shirk the responsibility ourselves. I think that for this reason, if no other, we should strike out the objectionable lines, which striking out I now move.

Mr. FOLEY—I move to strike out the whole section.

Mr. CHRISTIE—I second that motion. There is something there about ministers of the gospel, all of which I wish to have stricken out.

Mr. CREIGH—I move all amendments be tabled.

The motion was carried.

The following portion of section 10 was read :

H10

To each regiment of cavalry there shall be one colonel, one lieutenant colonel, three majors, one surgeon, with the rank of major, one assistant surgeon, with the rank of 1st lieutenant, one veterinary surgeon with the rank of 2d lieutenant, one adjutant, one quartermaster, one commissary of subsistence, each being extra, and with the rank of 1st lieutenant, one chaplain, who shall be a regularly ordained minister of some religious denomination, one sergeant major, one quartermaster sergeant, one commissary sergeant, two hospital stewards, one saddler sergeant, one chief farrier or blacksmith, and twelve companies of troops, each company to consist of one captain, one 1st lieutenant, one 2d lieutenant, one 1st sergeant, one quartermaster sergeant, one commissary sergeant, five sergeants, eight corporals, two teamsters, two farriers or blacksmiths, one saddler, one wagoner and seventy-eight privates.

MR. LEWIS—I ask for information—what the words, “each being extra” signify in this section?

MR. CHAMBERLAIN—The meaning is, that they shall not be attached to any company, although belonging to the regiment as a whole.

The secretary read the section fixing the salary of adjutant general.

MR. DUANE—It is necessary to know what are the duties of the adjutant general, inspector general, and quartermaster general of the State, in order that a just appreciation of their services may be come at, and in order that their salaries may be regulated.

The adjutant general is charged with the military articles of the State. He is responsible for the keeping of a correct military history of *every man* enlisted from the State in any regiment of the regular army, volunteers, and of all enrolled in the militia. In conjunction with the adjutant general of the United States army, in Washington, and the provost marshal general, he has to perfect all arrangements respecting deserters from State regiments, and of all regiments in the State; for their arrest and conviction, or transportation. He has to make all the necessary arrangements with the general government respecting the quotas of arms, ammunition, camp and garrison equipage, due each year by the general government to the State. Of course there are, necessarily, a large number of returns and reports upon these subjects.

He has also to carry out the requirements of the militia law, for which the orders, general and special, becomes his province, and let it be carefully considered what innumerable orders and constant application to duty will be necessary, on the first organization of the militia under its law. Every commission has to be issued under his hand; and the organizing of companies, of regiments, of brigades, of divisions, election of officers, orders for military boards of investigation, for courts-martial, drill and discipline, have all to be prepared and issued by the adjutant general. Besides all that, he has to revise, view and prepare, for the governor's approval, all proceedings of courts martial and military courts of inquiry. He is also immediately responsible to the governor for the due performance of their duties, by the inspector, quartermaster, commissary, and surgeon generals.

For the performance of all these duties, it requires a gentleman of good education, of practical habits, unswerving zeal, and lastly, but not least of all, sound military experience.

I submit, that such an official should not receive a less salary than \$3500 per annum.

The next official we must consider is the inspector general of the State. His duties are more physically arduous than the adjutant general's, because he is the military out-of-door working official. He is responsible that all the orders created by the adjutant general shall be promptly carried out. He has to make constant inspections of every separate company, and see that the arms and clothing, the discipline and organization, all be kept up to their proper standard. Every branch of the service, every part of armament, and especially all that has been issued by the quartermaster general to each individual officer, is under the immediate charge of the inspector general.

When the militia is being organized, that officer will hardly find time to rest, as his presence will become necessary in every part of the State; and his duty is to carry out the militia law, and report to the adjutant general the condition of each corps, and every delinquent for disobedience or infraction of orders.

The section directing the salary of the quartermaster general to be paid only during the time the militia are in the active service of the State, for the purpose of repelling invasion or the suppression of an insurrection, was taken up.

MR. CHAMBERLAIN—I move that the whole of that clause be struck out. I would inquire by whom his duties are to be performed during time of peace, and what these duties are to be at that time? We must either strike out the clause altogether, or amend it; otherwise, there never will be a quartermaster general, for he never will receive any salary; consequently, we will never have any organized militia.

The motion to strike out was carried.

The House adjourned until 12 m., Tuesday, 29th inst.

TUESDAY, November 29, 1864.

The House met at 12 m., pursuant to an adjournment, Hon. S. Belden, speaker, in the chair.

The proceedings of the House were opened with prayer by Father John J. Magee.

Mr. Lewis presented a resolution authorizing the furnishing of the same number of papers to the chief clerk and his assistants, as is provided for members of the House.

MR. MEEKS—I think that is all out of order, as the same or a similar resolution has been several times tabled.

MR. CREIGH—A resolution may be brought up anew for any number of times.

Mr. Chamberlain presented a resolution authorizing the speaker to issue an order to the sergeant-at-arms *pro tem* that he may draw from the former sergeant-at-arms all property belonging to the House and now in his possession.

MR. FOLEY—I think, Mr. Speaker, that the resolution is entirely unnecessary, inasmuch as we have already virtually directed this to be done.

THE SPEAKER—I should prefer to take no action, of my own accord, in regard to the matter, but would prefer to have the House act upon the matter.

MR. DUANE—I would like to have the gentleman who offered the resolution explain it.

THE SPEAKER—The temporary sergeant-at-arms has called upon me several times for an order that he might draw several articles belonging to the House. I, however, do not believe that I possess the power to order any thing of the kind, and therefore told him that the House had better take action upon the matter.

MR. BADGER—I move the resolution be laid upon the table.

MR. FOLEY—Why should not this resolution pass, if the sergeant-at-arms has property belonging to this House? If it is necessary to pass this resolution in order to cause him to disgorge, we ought to pass it, although I believe that the speaker has a right to enforce the return of property belonging to this House. However, if the speaker thinks he has not this right, we must pass upon the subject.

THE SPEAKER—If the House takes no action, the speaker will, though preferring the former course.

Motion to table lost.

MR. DUANE—I would suggest as an amendment, that the speaker be requested to indite a note to the sergeant-at-arms, requesting him to deliver up the property in his possession belonging to the State or this House.

The resolution was passed.

The following members gave notice of their intention to introduce bills:

Mr. Van Tromp gave notice of his intention to introduce a bill entitled "An act for the relief of the Catholic Ladies Charitable Association, Baton Rouge."

An act to regulate and define and regulate the duties and powers of administrators and executors. First reading and adopted.

An act to amend section 9 of an act entitled "An act relative to juries in the parish of Orleans." First reading and adopted.

An act to re-enact the 10th section of "An act to provide for the administration of the Charity Hospital at New Orleans, and provide a revenue for its support," approved March 14, 1855. First reading and adopted.

An act to repeal an act entitled "An act to amend and re-enact the tenth section of an act to provide for the administration of the Charity Hospital at New Orleans, and to provide a revenue for its support," approved March 19, 1857. First reading and adopted.

"An act relative to boundaries of parishes." Adopted—first reading.

"An act relative to auctioneers." Adopted—first reading.

"An act relative to the brands and marks of animals." Mr. Seymour, the originator of the bill, withdrew it, with the consent of the House, for the purpose of making some corrections.

"An act relative to justices of the peace for the parish of Jefferson." Adopted—first reading.

"An act relative to community of acquets and gains." Adopted—first reading.

MR. LEWIS—I wish to know, Mr. Speaker, as to whether a bill can be amended at third reading. On yesterday, this was done, and although I do not wish to have the militia bill rejected, I do wish to have our business go on legally—according to parliamentary usage.

THE SPEAKER—I would like the views of the House upon the question.

MR. DUANE—I believe, Mr. Speaker, that it is perfectly competent to offer a rider to a bill upon third reading.

MR. MEKES—I believe that according to Cushing's Manual, an amendment may be offered at the 3d reading, in case of necessity. I know of no other authority upon the subject.

MR. DUANE—I offered my suggestion as a rider, not as an amendment.

MR. TULLY—My impression is, that a rider is in order on third reading, but that an amendment is not.

MR. BROOKS—I see nothing in our rules which forbid an amendment at such time, and don't understand why there should be.

MR. CHAMBERLAIN—It is not only proper and ruleable to amend on third reading, but a bill may even be recommitted at that time; in which last case, it is regarded as on second reading. Rule 50 does not prescribe that no bill shall be amended on third reading, but directly the contrary. Rule 54 is, also, to the same effect.

MR. CHRISTIE—It seems to me that this discussion is consuming too much time.

THE SPEAKER—The speaker is of opinion that amendments are in order at third reading.

MR. DUANE—I move that the section prescribing that officers shall be fined three dollars for non-attendance at drill, be so amended as to impose on such non-attending officers a fine of five dollars, and make them subject to trial by court martial for every such neglect.

I offer this amendment, because I think it necessary to insure a well-disciplined militia, which we shall not possess, if an officer is merely to be

punished for non-attendance by a paltry fine. It is necessary to oblige every commissioned officer to attend to his duty, as, if worthy of a commission, every one should and would be on every such occasion.

Amendment carried.

MR. DUANE—I move that the amount allotted for mileage be amended from twenty to ten cents a mile, as officers, while travelling, are receiving other pay. Stage coach fare is not more than ten, and car fare not more than five cents per mile. Therefore, believing the proposed mileage allowance to be too much, I offer my amendment.

MR. FOLEY—I believe this is the third reading of this bill; amendments should be offered on the second reading.

MR. CHAMBERLAIN—Mr. Speaker: I believe that the compensation is right and just, as now fixed. These officers do not receive any *per diem* for the time during which they are occupied in going to and returning from courts-martial; thus, a man might walk twenty miles, and receive for that twenty miles only two dollars. For these reasons, I think that the rate proposed is no more than a fair compensation.

MR. FOLEY—Do I understand the chair to decide that a bill can be amended upon its third reading?

THE SPEAKER—That is the decision of the chair.

MR. FOLEY—I am sorry to differ from the chair, but must appeal from its decision.

MR. CHAMBERLAIN—I call the gentleman to order. Both the chair and the House have decided the question.

MR. FOLEY—I was absent at the time, and not aware of that. I withdraw my appeal.

WEDNESDAY, November 30, 1864.

The House met at 12 M., pursuant to adjournment, Hon. S. Belden, speaker, in the chair.

The proceedings of the House were opened with prayer by the Rev. Charles Strong.

The journal of Tuesday, the 29th instant, was adopted as read.

Mr. Chamberlain offered the following resolution:

Resolved, That a committee of three members of this House be appointed by the speaker, to inquire into the condition and resources of the schools for colored children, now in existence in this State, and report the same to this House.

The motion to adopt was lost—yeas 16, nays 30.

Mr. Seymour, chairman of the Committee on Federal Relations, presented the following report:

To the honorable speaker and members of the House of Representatives:

Your Committee on Federal Relations have the honor to report, that they have carefully examined the joint resolution in relation to W. P. Mellen,

General Agent United States Treasury Department, referred to them for examination, and beg leave to report that the allegations as set forth are not accompanied by the testimony necessary to authorize this House in action thereon; and without such testimony, if adopted, the resolution would be extremely libellous in its nature, and would be establishing a bad precedent for the future. Taking these views into consideration, your committee report unfavorably.

The bill establishing the police of courtezans, was put on its first reading.

MR. TODD—I move that the reading of that bill be stopped. Its language is too obscene to be heard.

THE SPEAKER—The gentleman is out of order. The bill will be read through. [Cries of "That's good!"]

MR. KAVANAGH—I move the adoption of the bill.

MR. TODD—Who presented it?

THE SECRETARY—Mr. Christie.

MR. TODD—I move its rejection.

MR. DUANE—Mr. Speaker: I hope the bill will be rejected, simply because it will be impossible for the police force to carry out its provisions.

MR. TODD—Mr. Speaker: I object to this bill most emphatically, because I consider that the spreading it on record would be an insult to ourselves and to our families. Moreover, there is no necessity for it, for the city has already provided for the matter, and I think that our time can be more profitably consumed than by taking up such bills.

MR. CHRISTIE—Mr. Speaker: That is not a bill prepared by me personally, or which I intended to press upon the consideration of this House. It was prepared by a medical gentleman of this city, (with whom I have but a very slight acquaintance,) and presents the features of a system that has been adopted in foreign countries, and which, as I have been assured, has worked well in countries where it has been tried.

I had a slight opportunity of witnessing the mode of regulating the lewd town women, under the surveillance of the police and medical inspectors, while in South America, and during the short time of my observation, I became convinced that it is one which was judicious, conservative of health and order, cleanliness, and the personal welfare of both the male and female portion of the community—yes, of the female portion, in regard to whom my friend [Mr. Todd] seems to be shocked. I am astonished that a gentleman of his years, who has grown old in morality, should rise here and oppose a bill which is calculated to further that very morality.

I am not going to press this upon your attention gentlemen, and to request you to pass it, because I present it. But I believe it is a good bill, which would work well in this community. To say that the police cannot attend to and carry out its provisions, is simply to acknowledge that the police authority is weak, and fall short of the intentions for the carrying out of which, that force was organized. We have nothing to do with that, but only

to decide whether the bill is a proper one or no, and whether it contains a subject proper for legislation. I think it is not becoming men who have arrived at our years to be shocked at its wording, which is necessarily couched in plain, straight-forward and naked language. It is for the interests of our wives and children and for the interests of our great army and navy and every male member of this community, as well as for the frail deluded creatures to whom this bill has particular reference, that it should be adopted.

In regard to the inability of the police to carry these provisions into effect—if, after the bill is enacted, we find that power inefficient to carry out the proposed measures, the Legislature has the power to create new powers, to go further, and, by legislative enactments, make such accessions to now existing functions, as will be sufficient to carry out the proposed provisions.

I am digressing, and have now only to say that I do not wish the House to act upon the bill in any particular manner because I presented it. It has worked well in despotic countries, though I do not know what its effect might be under our free institutions. I think this Legislature has the power to pass the bill; the only question is to whether it can be carried out; if it cannot, it must, although it be passed, be considered a dead letter. I have in view the interest of the great army now in our midst, and the health of the community at large. I see nothing in the bill that should cause any man to shudder, because it contains the language necessary to describe the intentions therein to be carried out. I think there is a good deal of mock modesty on the part of the gentleman who rises here and declares this bill an insult to our families. I differ from him most radically, for I have a family, and think I am entitled to see them protected. [Applause.]

MR. DUANE—Mr. Speaker: I believe this bill is unconstitutional, for it provides that the trial of violations of this bill shall be in private. Now, sir, according to the constitution, every man is entitled to trial in open court. Therefore I am opposed to the bill.

MR. PRESCOTT—Mr. Speaker: I have listened with much attention to the remarks of preceding gentlemen, and approve of the principles laid down by the gentleman on my right, (Mr. Christie). Still, that gentleman does not claim the paternity of the bill, but attributes it to a gentleman of the medical profession. However skilled that gentleman may be in regard to medicine, he is evidently a perfect tyro at making laws; for a more clumsy and ill-contrived piece of legislation was never presented to this House or any other. It would be utterly impossible to bring order out of such a chaos, or to pass any such bill with the least expectation of its being enforced. Therefore, since it does not admit of revision, it should be rejected.

Nevertheless, a bill containing the fundamental principles of the one under consideration—I have myself drafted such an one, on account of

which, I do not object, however, to the present one. I hope I shall not shock the delicacy of any gentlemen of this House, but must say that this community is subject at the present time, is, as it has been heretofore, and will be hereafter, subject to every contagious disease, simply because a trouble once contracted is not eradicated or checked. There are many cases where a people has been almost swept from the earth by this disease to which I refer, merely because the course of the disease is not checked by proper medical skill. Take the Sandwich Islands, for instance; it is said that in the time of Capt. Cook, the population amounted to some two hundred thousand souls; but in a work which I was reading a short time since, I find the population stated as being only thirty thousand, the decrease being attributed entirely to the ravages of venereal diseases. In addition, it is stated that in a short time all the inhabitants will probably fall before this scourge.

In this city there is not so much of this disease, because we have skilled medical attendants and aid. If there is to be any saving of humanity; if the virtue of any sinner is to be protected, or the rights of any person are to be preserved, I think that legislation on the subject is necessary. When yellow fever prevails, you establish quarantines and strict regulations, with a view to exterminate the disease or to confine it within certain limits. I look upon the venereal disease as even more destructive than that to which I have just alluded, for it does not come at particular times, but constantly prevails, as it is constantly engendered by the vices of mankind. Therefore, I am in favor of legislating on this subject.

In the place of placing this matter under the control of the city police—which it is not likely, even if they were willing, that they will care to carry out—the French system provides for a special police, for the support of which a revenue is derived from the system itself. I do not care to go into details now, because, if this bill fails, I shall present my own. I must say, that this proposed plan of dividing courtezans into three classes, is unjust and impolitic. Neither does the gentleman make any specific appropriation, in the bill introduced, of the licenses and fines to be collected under it. My bill is more comprehensive, applying them to a specific and laudable object.

MR. CHAMBERLAIN—The gentleman is out of order. He must confine himself to the question before the House, and not go into the merits of his bill.

MR. PRESCOTT—I will name one of the objects to which the sums referred to might be donated—the Charity Hospital. It is open to all men of every and all denominations, but it has become almost practically suspended, and I suppose that unless some specific donation is made, giving it a source of revenue, it must be closed. The bill which I propose will provide for this. I am informed that there are no less than two thousand courtezans in this city, and a tax levied upon them of two dollars each would, if applied to the support of this institution, give it an ample income. But this bill under

consideration fixes no method whatever for the appropriation of fines and licenses. Therefore, I think that, for this reason—besides and independently of many others—it should be rejected.

The motion to reject was carried, by the following vote :

YEAS—Messrs. Balser, Brown, Bisbee, Bernard, Bangs, Brooks, Collins, Cook, Corley, Duane, Ennis, Gannon, Galliger, Harnan, Hawkins, Hawthorne, Ingram, Kamper, Lester, Lewis, McCann, Miller W. D., Meeks, Nephler, Pearson, Prescott, Robinson, Rotgé, Riggs, Spellicy, Seymour, Shaw, Senette, Todd, Van Tromp, Wood—36.

NAYS—Messrs. Bovee, Boulligny, Buckley, Bensel, Badger, Burke, Breckenridge, Belden R. L., Creigh, Chamberlain, Christie, Dufresne, Danel, Evans, Foley, Griffith, Haberlin, Henratty, Kavanagh, Kleas, Laloire, McDonnell, Miller R. M., Maas, Mace, Marie, O'Conner, Schillang, Tully, Woodward, Wheeler—31.

The bill relating to extending the time for the payment of State taxes, was adopted.

The bill for the relief of the Catholic Ladies Association of Baton Rouge, was rejected.

On motion of Mr. Chamberlain, the bill relative to ways and means was made the special order of the day for Monday next.

The speaker stated, that having carefully examined the rules and works on parliamentary law, he had come to the conclusion that amendments could not be offered to a bill on its third reading.

On motion of Mr. Duane, the militia bill was adopted unanimously, as amended, on its third reading, after which the title of the bill was adopted.

The Senate bill entitled "An act for the relief of the Louisiana Institution for the Deaf, Dumb and Blind," was taken up on its second reading.

MR. BURKE—I would like to know if there is such an institution in existence, and if so, how many inmates it has. I am in favor of the bill.

MR. BRECKENRIDGE—The Institution exists at Baton Rouge, and has not been interfered with there, but I am not able to state how many are in the asylum at present. The Legislature of Louisiana used to appropriate \$25,000 instead of \$10,000, and this will not meet all the claims that will arise.

MR. SEYMOUR—If there is such an institution I would like to see the bill go through, for I know of families that are obliged to support deaf, dumb and blind persons, because there is no proper place to send them.

MR. BOVEE—I can assure the gentleman, that there is such an institution. It is a State institution, and one that must be supported by the State. If no appropriation is made by this House, the payment of the expenses must be met in some way by the State. There are now some twenty-eight inmates of the institution. A portion of the building is used by the military authorities for hospital purposes, and they have assisted the institution greatly. For the last two or three years it has received no support except from the military authorities, and what the inmates could earn in their workshops. **MR.**

Martin, the superintendent, made a statement, and Mr. Benson, of the Senate, as chairman of the Committee on Charitable Institutions, invited the House committee to consider it, which was done and this bill is the result of the examination. A report was made and presented to the Senate, and should have been sent to the House also. In former times, the institution received an appropriation of \$25,000 per year, and as they are somewhat in arrears, it is necessary that a bill of this kind should pass, even though the money cannot be paid immediately, for, as I am informed by the superintendent, it will enable them to get a short credit. At present they are in needy circumstances, and I hope the bill will pass.

The bill was then adopted and ordered to be engrossed.

Mr. Duane moved to reconsider the vote adopting the title of the militia bill, which was carried, and the following substitute adopted :

"An act to organize the militia of the State of Louisiana."

Mr. Prescott offered two additional articles to the same bill, and moved a suspension of the rules to attach them to the bill.

The chair decided that it was not in order, the bill having been finally adopted.

On motion, the House then adjourned until M., Thursday, December 1st.

THURSDAY, December 1, 1864.

The House met at 12 o'clock M., pursuant to an adjournment, Hon. S. Belden, speaker, in the chair.

The proceedings of the House were opened with prayer by the Rev. Dr. Newman.

The journal of Wednesday was adopted as read.

The following members gave notice of their intention to introduce bills :

Mr. Seymour : A bill entitled "An act to incorporate St. George's Academy, of Algiers."

Mr. Dejean, in behalf of the Judiciary Committee : "An act to amend articles 1044, 1202, 1332, 1365, 1661, 1662 and 1785 of the Civil Code of Louisiana." Also, "An act to repeal article 1783 of the Civil Code of Louisiana."

A message was received from the Senate, through Mr. Neelis, the secretary, requesting the signature of the speaker of the House to the enrolled act entitled "An act organizing the Supreme Court of the State of Louisiana."

An act to amend articles 95 and 97 of the Civil Code.

First reading and adopted.

The bill for the organization and establishing of the free public schools throughout the State, came up on first reading.

MR. RIGGS—I move the rejection of the bill.

MR. BOFILL—I second that motion.

MR. CHAMBERLAIN—I would like to know, Mr. Speaker, why the gentleman objects to this act?

MR. RIGGS—I think it is impossible to make this bill of any effect. Our State is too much drained of finances, and we hold but a small portion of the State, in which peace is not sufficiently restored, on account of which there is no means by which we can raise the money to carry out its provisions, even if it should become a law.

MR. CHAMBERLAIN—Mr. Speaker: I think that is a very imperfect reason for excluding the passage of this bill. If we have only a small portion of the State, we have only to provide for a small portion of it.

MR. BOUDREAUX—I think, Mr. Speaker, that we expect to have more of the State at some future day, and had better make preparation, that it also may share the benefits which this bill will confer.

The motion to reject was lost.

MR. FOLEY moved to suspend the rules for the purpose of taking up a bill entitled "An act to extend the time of payment of State taxes for 1861, 1862 and 1863."

Rules suspended, and the bill put on its second reading and ordered to be engrossed.

On motion of Mr. Lewis, the rules were suspended, and the bill put on its third and final reading and passed, with title.

MR. FOLEY moved a recess of fifteen minutes, which was carried by a rising vote of 28 yeas to 22 nays.

The House being called to order after the recess, fifty-six members answered to their names.

MR. TODD moved to adjourn, there being no quorum, which was lost by the following vote—yeas 12, nays 43.

MR. DUANE moved to adjourn.

Carried, by a rising vote of 37 yeas, 20 nays.

The House adjourned until Friday, December 2, 1864, at 12 m.

FRIDAY, December 2, 1864.

The House met at 12 m., pursuant to adjournment, Hon. S. Belden, speaker, in the chair.

The proceedings of the House were opened with prayer by the Rev. Mr. Thomas.

The minutes were read and approved.

MR. CHRISTIE—I move that Mr. O'Connell be excused from attendance during the next ten days.

MR. BOUDREAUX—I am perfectly willing to grant leave of absence to any member on account of sickness, but for no other reason.

MR. CHRISTIE—I am informed, Mr. Speaker, that the gentleman has been

appointed on a military staff, and the duties of his new position demand his whole attention at present.

MR. SEYMOUR—I do not believe that is a sufficient excuse.

Motion to grant leave of absence was lost.

MR. BOVEE offered a resolution, authorizing the sergeant-at-arms to furnish three copies of the daily morning papers to the officers, members and official reporters of the House.

MR. BOVEE—**MR. SPEAKER**: I hope that resolution will pass, as there are two of the morning papers which publish our proceedings gratuitously, while another is the official paper of the State. For my own part, I would like to have each one of these, and believe that other members would also.

The resolution was carried, a motion to table being lost.

MR. TODD presented a resolution, requiring the committee on investigation of alleged frauds to report as early as possible.

MR. BADGER—I move it be laid on the table.

Motion carried.

MR. SEYMOUR—**MR. SPEAKER**: As one of the members of that committee, I would state that we have worked for an hour and a half on every night since the organization of the committee, and that it will require three weeks more of labor before we shall be able to report at length.

MR. TODD—It has been said among the tax payers of this community that the committee—

THE SPEAKER—The gentleman is out of order.

Senate bill entitled "An act to organize the police of the city of New Orleans." First reading and adopted and referred to a special committee of seven to be appointed by the speaker.

The hour for taking up the order of the day not having arrived, **MR. LEWIS** moved to suspend the rules to take up the order of the day. Rules suspended.

"An act to regulate the mode of keeping public accounts." Second reading, adopted and referred to the Committee on the Judiciary.

"An act to establish a bounty fund for the benefit of Louisiana State volunteers, and to organize a board of control for the receipt and distribution thereof." Second reading, adopted and ordered to be engrossed.

"An act to provide for the election of state tax collector in and for the parish of Jefferson." Second reading, adopted and referred to the Committee on the Judiciary.

"Joint resolution relating to presidential electors." Second reading, adopted and ordered to be engrossed for a third reading.

On motion, the rules were suspended and the joint resolution was put on its third and final reading, and passed with title.

An act relative to judicial advertisements was read.

MR. TULLY—I move that the bill be rejected, inasmuch as it is a verbatim copy of a law already in our books.

MR. CHRISTIE—I hope the bill will be referred to the Judiciary Committee, as I wish to make some alterations in it.

MR. BOUDREAU—I hope the bill will be referred to the Judiciary Committee, inasmuch as it needs some alterations, which can then be made. I accordingly move its reference to the Judiciary Committee.

MR. TULLY—I withdraw my motion.

On motion, the House then adjourned until 12 m., Monday, December 5.

MONDAY, December 5, 1864.

The House met, pursuant to adjournment, at 12, m.

Prayer was offered by the Rev. Charles Strong.

The roll was called, and, after obtaining a quorum, the minutes of the last day's proceedings were read and approved.

The chair appointed the following committee, to whom was referred the police bill:

Messrs. Kavanagh, Meeks, Robinson, Bensel, Badger, Dufresne, Bernard.

Mr. Lewis offered the following resolutions:

Resolved, That the sergeant-at-arms be required to ascertain the number of the residence or place of business of every member of this House.

Be it further resolved, That the speaker of the House may order the door-keeper not to allow any member to go without the bar while the House is in session, if by the absence of such member a quorum shall be found wanting.

MR. BADGER—I move to lay it on the table.

Lost.

The resolution was then adopted by the following vote—yeas 42, nays 18.

Mr. Bovee offered the following:

Whereas, Much valuable time is daily lost by this House on account of the neglect of many of its members to attend at the hour fixed for the assembling of the same, thereby keeping many members waiting until a quorum can be obtained; *and whereas*, the 26th article of the State constitution authorizes the members of this House to compel the attendance of absent members; therefore, be it

Resolved, That any member failing to appear within the bar within thirty minutes from the calling of the roll, shall be fined in the sum of \$3, unless excused by a majority of the members of this House. That the sergeant-at-arms be authorized to place any member under arrest who shall refuse to pay such fine. The amount thus collected shall be given as a donation to the Charity Hospital.

Laid on the table.

The Committee on Judiciary presented a memorial, recommending that the salary of the chief clerk of that committee be increased to eight dollars per day.

Adopted.

The bill relative to judicial advertisements was referred to the Committee on Judiciary, on its second reading.

An act better to provide for the collection of licences was referred, on its second reading, to the same committee.

An act relative to absentees was referred to the same committee.

An act relative to district attorneys was referred to the same committee.

On motion of Mr. Chamberlain, the rules were suspended, to take up the bill to provide for increasing the revenue of the State.

Before taking up the bill, a resolution from the Senate was read, requesting the appointment of a committee to receive articles of impeachment against A. P. Dostie, state auditor.

Mr. SEYMOUR—I move to reject it.

Mr. BOFILL—As there seems to be a motion to reject, I would like to know how the House can reject a resolution coming from the Senate? We can refuse to appoint the committee, and I believe we can only do that.

Mr. FOLEY—I wish to explain the vote I intend giving. I believe this resolution is illegal, and I refer you to the laws of the State on impeachment:

“Whenever any person shall wish to accuse a public officer before the Legislature, he shall address the House of Representatives a memorial containing a brief exposition of the acts of such public officer which are supposed to be contrary to law; the memorial shall be sworn to, and signed by him who presents it; and shall contain a list of the individuals who can give information relative to the facts set forth, with notice of the several charges which each individual included in the list can substantiate by his testimony.”

This extract which I have just read, can be found in the last Revised Statutes of this State, page 244, section 1. Viewing the resolution in the light of an infringement upon this law, I think that the Senate has not proceeded according to law in this matter, and, therefore, I shall vote for the rejection of this resolution.

If any member of the Senate wishes to impeach the state auditor, let him address a memorial to this House, in accordance with the section just read; it will then be time enough for us to consider the matter and appoint a committee. Under the influence of these views, I shall be compelled to vote against the resolution.

Mr. SEYMOUR—Mr. Speaker: I must vote in the same manner, for the reason that I believe the state auditor has done his work faithfully and conscientiously, as regards the people and ourselves.

Mr. WATERS—I move the resolution be sent back to the Senate, for correction.

Mr. CHAMBERLAIN—Mr. Speaker: I deny the power of the Senate to impeach either the state auditor or any officer of the government. The power of impeachment, by our constitution, article 85, is vested in the House of Representatives, and in that alone. But this House has seen no reason to, and from this resolution can glean no information why, the state auditor should

be impeached. Inasmuch as the Senate has not proceeded legally, I, for this and my other reason, I think we have no right to proceed to impeachment. I move an indefinite postponement of this bill or resolution.

MR. CREIGH—According to the gentleman's argument, any officer of this State can do just what he pleases, and insult the Senate as much as he pleases, without fear of any disagreeable consequences.

MR. CHAMBERLAIN—Not at all, sir. The Senate may arraign any member or officer acting in a disorderly manner, but cannot impeach him.

MR. CHRISTIE—Mr. Speaker: This is one of the most unaccountable transactions I have ever heard of. I would like to know by what right the Senate has sent this resolution into this House for the purpose of impeaching a public officer, without as much as stating what are the grounds for taking this action?

Do not the members of the Senate know, sir, that the power of impeachment rests solely with this House? If they do not, we, the members of it, should, by referring back their resolution, inform that body of the fact.

There is another matter in this connection, equally unaccountable to me, which is, that the bill is signed by only one member of the Senate, and that one not the speaker. A request, properly coming from the Senate, should, in order to receive becoming courtesy from this House, be signed by the speaker, and at least a moiety of the members. Holding that the action of that honorable body has been altogether wrong, and that the resolution was, in itself, worthy of no consideration, I seconded the motion to reject it. The House must know the grounds of this proposed impeachment, for it is a very serious matter to be taken into consideration, and still more, to be acted upon. I shall, for these reasons, renew my second to the motion for rejection.

On motion put, the resolution was rejected.

The bill for increasing the State revenue and raising means to pay the State debt, being the special order of the day, was taken up.

MR. FOLEY—I move the bill be taken up for consideration, section by section.

The motion was carried, and section 1, providing for a tax of two dollars upon every bale of cotton of four hundred and fifty pounds, grown in this State, was adopted.

Section 2, levying a tax of one dollar and fifty cents upon each hogshead of twelve hundred pounds of sugar raised in this State, was read.

MR. CHRISTIE—Mr. Speaker: That is not half tax enough. It should be what, by the bill on its first reading, it was fixed at, and I would like to know by what right the rate, as laid down then, has been altered. It was then two dollars, and I move to amend by inserting that sum in place of "one dollar and fifty cents."

The motion to amend was lost, and the section adopted as reported.

Section 3 imposed a tax of twenty-five cents upon each barrel of molasses made in the State.

MR. BOUDREAUX—I amend to fifty cents.

The amendment was lost, and the original section adopted.

Section 4 provided for a tax of twenty-five cents upon each hundred pounds of rice.

MR. CHAMBERLAIN—Mr. Speaker: I move to amend by inserting the words, "grown or raised in this State," because we cannot tax a hundred pounds of rice without knowing where it was produced; therefore, I move to insert these words, omitted by the clerk.

MR. FOLEY—I move that be tabled, as we have a right to tax anything coming into this port.

MR. BAUM—I deny that statement.

MR. TODD—Mr. Speaker: There is a most decided inequality between the tax imposed upon rice and that upon other products.

The motion to table Mr. Chamberlain's amendment was lost, and it was thereupon adopted.

MR. TODD—I amend the tax to ten cents.

MR. LEWIS—I move that the section be stricken out.

MR. CHAMBERLAIN—Mr. Speaker: I would like to have some gentleman propose some means of taxing this State, if the revenue is not to be raised by taxation of products. I am opposed to taxing necessities, although we must raise funds in some way, and must spare them as much as possible. Therefore, I am in favor of the amendment to ten cents, though I believe a hundred pounds of rice is worth as much as a barrel of molasses, in cash value. Allow me to remark, in this connection, that the committee tried, in drawing up the bill, to confine itself to the cash value of articles, and, therefore, imposed the tax upon rice as on molasses, because the relative prices of the stated quantities are the same.

The motion to strike out the section was lost, and it was then adopted as amended.

MR. CHAMBERLAIN—Mr. Speaker: Before the clerk reads any further, I would like to insert a section in this place. I perceive that tobacco has not been taxed at all in the bill; therefore, I propose that a tax of two dollars be laid upon every hundred pounds of tobacco produced in this State.

The section, having been put in due form, was adopted as section 5.

Section 6, for a tax of four per cent. upon the gross receipts of horse dealers and livery stable keepers, defining them.

MR. FOLEY—Mr. Speaker: I oppose the taxing of any man's gross receipts. If the gentleman will calculate, he will find that this section provides for a tax of four dollars on every hundred that a man receives. I move to amend by inserting "one per cent.," which should, in my opinion, be the highest tax imposed upon the receipts of any man.

MR. WATERS—Every planter in the State has to pay fifty-four dollars a year as internal revenue tax, and here we are about taxing them nearly the same amount again.

MR. CHAMBERLAIN—Mr. Speaker: I know that the livery stable keepers of this city are becoming rich—making money fast. Now four per cent. tax upon this class may at first appear too much, but we must take into consideration their outlay, which is not much. They keep horses belonging to them, and charge at such rates for so doing, as well as for hire of their horses—ten dollars, for instance, to the lake—that they can well afford to pay the tax proposed.

MR. KAVANAGH—Mr. Speaker: This tax is upon what is, in effect, a luxury, or which involves luxury, and, as I believe in taxing luxuries instead of necessities, I believe the bill is correct as reported. The fact that all these men are rich, is a proof that they can pay without difficulty the sum proposed.

MR. FOLEY—Mr. Speaker: I would call attention to article 124 of the constitution, declaring that taxation shall be equal. Now if this proposed tax is levied upon livery stable keepers, it should, and might with equal justice, be levied upon any wholesale dealer or retail grocer. We cannot tax the gross receipts of one man, more than those of another, constitutionally.

I believe that a tax of one per cent. upon the gross receipts of every business will produce an ample revenue for meeting the wants of this State, and for this reason offered my amendment.

MR. CHAMBERLAIN—Mr. Speaker: The gentleman has referred to article 124 of the constitution. Now I have too good an opinion of the sense and ability of the gentleman to believe for one moment that, as he has stated that article, he believes it to be properly construed; I cannot hold so low an estimate of his talent as a construer of language.

That article *does* say that taxation shall be equal—meaning thereby that a livery stable keeper in this city shall not be taxed four per cent. on his gross receipts, and another, in Baton Rouge, two per cent.—not that one man's income shall not be taxed more than that of another. Are we to be told that a retail grocer is to be taxed as high as a theatre manager or a grog-shop keeper? Have we no precedent to establish different rates of taxation? Certainly we have, and the gentleman cannot deny it. All of this class of men are to be taxed in proportion alike, but they come in the class of luxuries, which should of right be taxed higher than absolute necessities.

MR. BURKE—Mr. Speaker: The people of New Orleans, and throughout the State, are already taxed so enormously that they are not able to pay what this House would exact from them. Therefore I think that this matter should be let alone for the present, and left for some future Legislature to take up. For this reason I move that the bill be rejected.

Mr. Foley's amendment was carried, and thereupon the House adjourned until 12 m. of the 8th inst.

TUESDAY, December 6, 1864.

The House met pursuant to adjournment, at 12 m.

Prayer was offered by Father McGee.

The minutes of yesterday were read and approved.

Mr. Laster offered the following resolution :

Resolved, That the resolution passed yesterday, 5th inst., compelling the members of the House to remain within the bar during the session, unless allowed by the speaker to retire, be and is hereby rescinded.

MR. LEWIS—There has been no such resolution introduced, compelling the attendance of members. The speaker only has power to compel members to remain when, by such absence, a quorum would be wanting.

MR. BODDREUX—I think the resolution was proper, and should not be rescinded.

MR. LASTER—I will state, that it is often necessary for members of this House to retire for a short space of time, to transact business of their own, or attend to business of a public nature. I do not think the speaker or members have any right to cause members to remain here. I think a member has a right to go out when he pleases, and if he is wanted, let the sergeant-at-arms be sent for him.

MR. TODD—I differ from the gentleman. The State claims our time from 12 to 3 o'clock, and if a member has other business, he should drop the one or the other.

MR. LEWIS—I contend, that if the resolution of Mr. Laster passes, it does not refer to the resolution adopted yesterday.

MR. FOLEY—I am opposed to rescinding the resolution. It only contemplated that no member should be permitted to go outside of the bar when a quorum would be destroyed thereby. I do not see what objection any member can have to the adoption of that resolution, or what reason exists for rescinding it. No public or private business should interfere with the duties we come here to perform. Therefore, I hope the matter will be left as it is, and move to lay the resolution on the table.

The motion to table prevailed.

A report of the Committee on Internal Improvements relative to an investigation of the affairs of the New Orleans Gaslight Company, was read.

MR. PEARSON—I move that it be referred back to the committee. It is not the report adopted by the committee.

MR. FOLEY—I would like to have the gentleman give his reasons for making such a statement. If there is a minority report, it is the duty of the committee to present it.

MR. PEARSON—Before the committee finished their investigation of the

affairs of the N. O. Gaslight Company, a report was drawn up and presented to them, which they revised by striking out a good many clauses; but this is nearly the same as the report that was first presented. The clauses stricken out are still in the report.

MR. TODD—The clerk drew up the report, and the gentleman, as well as others, saw it, and objected to some articles, and some alterations were suggested in regard to lighting up the city, etc. I told them, if they knew that in any way the Gaslight Company had forfeited their contract, they ought to bring it up. They do not like the report, because it praises the company; but I defy them to say it is incorrect in any respect.

MR. PEARSON—It was understood by the committee, that this report, made out by the clerk, was to come to this House with the clauses stricken out, as proposed by a majority. They were satisfied with the balance of the report, and did not trouble themselves further about it, thinking that the report would be sent in.

MR. VAN TROMP—The committee objected to the advance of money that was required by the Gas Company, and that portion of the report, as well as several others, was stricken out.

MR. BOVEE—This is not the proper place for the committee to wrangle, and I move that it be referred back, to be presented in a proper shape.

MR. FOLEY—I rise for information. I would ask how many members compose the committee?

THE SPEAKER—Seven.

MR. FOLEY—How many have signed the report?

THE SPEAKER—One.

MR. FOLEY—I move that the action of this House be postponed until another report of the committee, majority or minority, is made.

MR. PEARSON—I move to lay the motion on the table.

Lost.

MR. BOVEE—I am opposed to the adoption of the motion, as we do not know whether it is a majority or minority report, and I think it would be better to refer it to the committee, to be presented in a proper form.

MR. BADGER—One important item is left out, relative to turning on the gas in houses where the last occupants failed to pay up. The company refuses to furnish gas, where there are any arrears.

The motion of Mr. Foley, to postpone, was then adopted.

A report of the Committee on Judiciary, relative to certain bills referred to them, was read and adopted.

The following members gave notice of their intention to introduce bills:

Mr. Breckenridge: "An act to abolish Globe balls, and prohibit all other similar pandemoniums throughout the State."

Mr. Dejean, in behalf of the Committee on Judiciary, gave notice of his intention to introduce the following acts:

Acts to repeal articles 226, 539 and 2300 of the Civil Code.

Acts to amend articles 322, 334, 522, 526, 556, 1278, 1775, 1841, 1856, 2242, 2255, 2261, 2335, 2346 and 2419 of the Civil Code.

Acts to repeal articles 2502, 2505 and 2695 of the Civil Code.

Acts to amend articles 2348, 2351, 2415, 2417, 2424, 2454, 2500, 2504, 2534, 2542, 2572, 2588, 2589, 2913, 2945 and 3102 of the Civil Code.

Mr. Prescott: "An act to levy a special tax on theatres in the city of New Orleans, for charitable purposes."

A bill relative to brands and marks of animals, was adopted on its first reading.

On motion, the speaker was empowered to grant permission to members to leave the House.

On motion of Mr. Todd, the rules were suspended to take up the Senate bill relative to the transfer of a loan, reported by substitute, and the bill adopted on its first reading.

By a further suspension of the rules, the bill passed its second and final reading.

On motion, the rules were suspended, and the bill for increasing the State revenue and paying the State debt, was taken up.

Section 7 provided for a tax of one per cent. upon the gross receipts of all brokers and commission merchants, defining them.

MR. FOLEY—Mr. Speaker: It seems to me that this section is a most grossly unjust one. I would like, in the first place, to know what the term "gross receipts," which are to be taxed one per cent., signifies, in this connection? I wish to understand whether this relates to a broker's profits, and pay as such, or whether the clause means that if a commission merchant sells one hundred thousand dollars worth of goods, he is to be taxed one per cent. on that amount, for it seems to me that it is susceptible of such a construction. A commission merchant receives only one-half of one per cent. as his commission. Now, if this clause means to tax him one per cent. upon all he receives during the day, I think that the tax is at least two hundred per cent. too great. If it means a tax upon his gross profits or commission, the tax is still too high, because he does not receive that per cent., in the first place.

I think that one-fourth of one per cent. on the profits which he receives for attending to his duties is quite sufficient.

MR. LEWIS—I move to strike out "gross receipts," and insert "gross percentage."

MR. CHAMBERLAIN—Mr. Speaker: I do not claim to be the originator of this bill, but I cannot help saying that in my opinion, the gentleman has wilfully misconstrued the language of this section, for it is too plain for any man to mistake its meaning. How a gentleman can get up here and tell me that he does not know the difference between gross receipts and gross sales, is something I cannot understand. The gross receipts of a merchant

are the gross receipts of what he receives upon his sales. A commission merchant does not receive the money on his sales for himself, but simply to pay it over to his principal. But he has a commission, and it is upon that which we propose to impose a tax of one per cent. He may sell a thousand dollars worth of goods, but he only receives ten per cent. on the amount of the sale; this is what we propose to tax, not the money which he hands over to his principal.

The idea of reducing taxes to so low a standard is simply ridiculous, for by so doing, instead of obtaining a sufficient sum to pay the State indebtedness and carry on the State government, we shall have but a pitiful sum, inadequate to liquidate the expenditures of half a year. Before we proceed, it was my intention to have endeavored to make this and the preceding section harmonize, as in my view it is grossly unjust to tax a commission merchant less than a livery stable keeper. The gentleman on my right committed the error of endeavoring to tax the luxuries less than the necessities of life.

MR. FOLEY—I call the gentleman to order. It was not my error, but that of the House, if there is any at all.

MR. CHAMBERLAIN—Well, sir, it was an error of the House, then. I wish to call the attention of this body to the fact, that this bill was drawn up with a great deal of care, labor and attention, and with regard to the amount which must be raised. If it goes through entire, without any amendment, the State will have to provide for a deficit of upwards of eight thousand dollars. How can that be provided for, except by a loan? We propose to raise a tax to pay off our indebtedness, of which there is an outstanding bill amounting to seventeen hundred thousand dollars, due bondholders of this State, and unless we liquidate this debt, how are we to contract another? The true policy of credit is to establish it on the firmest basis possible, which we shall by no manner of means do, if we proclaim ourselves unable to pay creditors of the State.

The taxes proposed in this bill are fair and honest, but it has not been fairly construed, nor has justice been done it in every instance. We have taxed the luxuries and things that may be dispensed with, while, in regard to articles of necessity, where the burden would fall upon the people who can afford nothing but necessities, we have reduced the tax to the lowest possible standard. We proposed to levy upon the gross receipts of every one, in order to arrive at an equal apportionment of taxes, for there is no other way of ascertaining the actual amount of receipts, except by taking the gross receipts. If capital is taxed, it will be impossible to reach all of that which is invested; and even if that could be reached, the amount of revenue derived from its taxation would be small, compared with that procurable by taxing the gross receipts, for the reason that the outlay of the former is oftentimes very much out of proportion to the income of the latter.

Look at the cotton presses, where there is hardly any outlay, but which do an enormous business, and run up the gross receipts to a high figure. It is for these reasons that we propose to make the gross receipts yield a large proportion of the revenue by which the government of the State is to be carried on.

MR. PRESCOTT—I call my friend to order, as he is discussing the whole bill, the merits or demerits of which, as a whole, we do not wish to consider at the present moment.

MR. HARNAN—Mr. Speaker: The United States revenue law imposes a certain license upon a man engaged in transacting a particular business, and then a *pro rata* tax upon the gross receipts of that business. Now, I would suggest to this House the feasibility of referring this bill to the Committee on Ways and Means, for the purpose of allowing that committee to frame from this and other bills one symmetrical and uniform system of taxation.

MR. CHAMBERLAIN—We have done so.

MR. HARNAN—And this is the substitute?

MR. CHAMBERLAIN—It is, but we are ready to accept amendments thereto.

MR. HARNAN—If there is no specified license, how are the gross receipts to be arrived at?

MR. CHAMBERLAIN—That is provided for in the bill.

MR. FOLEY—Mr. Speaker: The gentleman seems to be discussing the internal revenue law of the United States, but I would suggest that we are not here to provide ways and means for supporting the government of the United States, though we are to do so in order to carry on our own State administration. The amount which we are here to provide for the raising of, bears no comparison to that which the United States has to raise to carry on this tremendous and gigantic war. Congress provides for the national expenses, but we are here only to devise ways and means of procuring seventeen hundred thousand dollars for one year—less than the United States has to devise the means for paying daily.

MR. CHAMBERLAIN—I call the gentleman to order. I do not understand what he is arguing upon.

MR. FOLEY—I am discussing the argument of my friend from the same representative district (Mr. Harnan). I think I am in order, but will now conclude my remarks, hoping that gentlemen will bear in mind the point of legislation before them.

MR. BISBEE—I move to strike out "gross receipts," and insert "net profits." I think this is an amendment that should be adopted by the House. Since I have been a member of this House, I have had but little to say, and do not wish to consume time upon this occasion, but I consider this bill the most important we have had under consideration, and one that should have our wise and calm deliberation. It has been remarked, you cannot tell the net profits of a commission merchant, and this will apply equally to the gross

receipts. We want to tax every individual according to his ability to pay, and by taking the net profits as a basis, we impose a just tax. I can see no difficulty in ascertaining the net profits of any individual carrying on a legitimate business. If we have a class of men not honest, we may not be able to tell what either their gross receipts or net profits are ; but we look upon the commercial community as honest and upright, and there is no more difficulty in getting at the profits than the receipts of any man's business. It is necessary to raise money lawfully and honestly, and I hope the House will adopt this mode.

MR. FOLEY—If the gentleman proposes to tax the net profits of one business, I think all others should be taxed in the same manner. I believe the bill, as presented—that is, taxing the gross receipts of any business—is the only way to arrive at a just conclusion of what a man should pay as a tax to this State. I am opposed to a large percentage on the gross receipts, as proposed by the bill, but agree with it in regard to the basis of taxation. Formerly, capital was taxed, and firms that employed a capital of perhaps \$200,000, would present to the assessor as the amount, \$30,000 or \$40,000; and it will be the same in regard to the net profits. The only way to form a just taxation, is on the gross receipts. Therefore, I am opposed to the amendment.

MR. CHRISTIE—I differ with the gentlemen who have presented the bill, in respect to the subject of gross receipts. If you tax the receipts of one business, it should not be at a higher rate than the receipts of another business. To make the system of taxation equal and uniform, you should tax the gross receipts of all business alike. Our constituents are all interested in this subject, and however much the committee may have reflected upon and considered the bill which they have presented, I hold it as due to our constituents, and to the members of this body, that we should give the subject such consideration as may be deemed necessary. Bills of this kind are apt to become the pet projects of the originators, and we ought not to take the *ipse dixit* of the committee as to what should be finally done, but consider the matter for ourselves and our constituents, who have sent us here. I cannot see any justice in taxing a livery stablekeeper on his gross receipts, any more than the dry goods merchant, hardware dealer, or any others. I hold, that all men ought to be taxed alike, and then you will have a uniform and equitable system of taxation.

The State of Louisiana must be supported ; but we have nothing to do with the taxes imposed by the general government. I hope this taxation on the gross receipts will be maintained, and that taxation will be rendered equal and just to all parties.

MR. BOUDREAUX—I am not opposed to the amendment, but I would like to have the other sections of the bill amended, so as to correspond.

MR. DUANE—I move to lay the amendment on the table.

Carried.

MR. FOLEY—I now intend to speak to the section not yet adopted. It has been held by some of the members on this floor that if the gross receipts of one business are taxed, that the gross receipts of every other business should be taxed at the same rate, in order to make taxation equal and uniform. The constitution, as I understand it, never intended any such thing. It was never intended that where a man's gross receipts were \$100,000, and his expenditures \$90,000, he should be taxed the same as one whose receipts were the same, but whose expenditures were \$10,000 or \$20,000. Take, for instance, the gross receipts of a theatre. The expenditure, as compared with the gross receipts, is not so great as in other business.

In the case of a coffee house, the profits are enormous, and there is a much greater difference than ordinary between the gross receipts and the expenditures.

Therefore I say, that some branches of business, not necessary to the welfare of the community, or those that are injurious, should be taxed at a higher per centage than such branches as are necessary and valuable to society. I think the argument of the gentleman on this point falls to the ground. The constitution never intended that all the various business that men might embark in should be taxed in the same ratio. The per cent. in the bill may be too great in some respects, and require amendment, taxing the necessities and luxuries of life differently.

MR. BISBEE—I move to strike out "one per cent.," and insert "one half of one per cent."

MR. FOLEY—I second the motion.

A motion to table was lost, whereupon the amendment was adopted, and then the original section, as amended.

Section 8 provided for a tax of one per cent. upon the gross receipts of all wholesale dealers, defining them as merchants whose annual sales exceeded twenty thousand dollars.

MR. HARNAN—I move to strike out "twenty thousand dollars."

MR. CHAMBERLAIN—I move that be laid on the table.

On division called, the amendment was declared tabled—yeas 30, nays 22.

MR. FOLEY—**Mr. Speaker**: I insist that every member shall vote on this important question.

The vote was retaken, and the motion to table lost—yeas 30, nays 32.

MR. CHRISTIE—I move to strike out the word "wholesale."

MR. LEWIS—I move to strike out "twenty," and insert "thirty" thousand dollars.

Mr. Harnan's amendment was then adopted, and **Mr. Lewis's** lost, after which the House adjourned.

WEDNESDAY, December 7, 1864.

The House met pursuant to adjournment, at 12 M.

Prayer was offered by the Rev. Mr. Hopkins.

The minutes of yesterday were read and approved.

The Committee on Banks and Banking submitted a report, recommending that the salary of the clerk of that committee be increased to eight dollars per day. Lost

The special committee on revising the City Charter, submitted a report and recommended that 500 copies be printed.

MR. FOLEY—As a member of that committee, I am opposed to the shape in which the report is presented. It should be drawn up in proper form, and not a copy of the old charter with amendments submitted. I move that it be referred back to the committee, and they be authorized to direct their clerks to draw it up in proper form and present it to the House.

MR. BAUM—All the amendments are in the report. There is no clerk appointed for the purpose, and as chairman of the committee, I do not intend to copy it all out.

MR. FOLEY—There is a Senate clerk for the purpose.

MR. CHAMBERLAIN—It seems unnecessary to refer it back, when it can be printed from this report as well as a written copy; therefore, I am in favor of adopting the report and letting it go to the printer. The gentleman does not deny that all the amendments that could be written, are embraced in this report.

The motion to refer was lost.

MR. BOVEE—I amend to print 200 copies.

Carried, and report adopted.

The following members gave notice of their intention to introduce bills:

Mr. Prescott: An act entitled "An act to incorporate the Lake Lafourche Land Improvement Company."

Mr. Riggs, in behalf of the Judiciary Committee, gave notice that he will introduce the following acts, being in accordance with the House resolution adopted on the 22d November:

Acts to repeal articles 35, 36, 37, 38, 95, 461, 562, 588, 631 and 1462, of the Civil Code of Louisiana.

Acts to amend articles 67, 70, 148, 336, 339, 348, 492, 564, 698, 789, 1154, 1155, 1156, 1157, 1158, 1367, 1523, 1524 and 1584, of the Civil Code of Louisiana.

Mr. Griffith: "An act to authorize Anson Wood to establish a ferry across Calcasieu river."

"Act to incorporate the St. George's Academy of Algiers." First reading and adopted.

Acts to repeal articles 226, 539, 2300, 2454, 2502, 2505 and 2695, of the Civil Code, were put on first reading and adopted.

Hon. J. V. Boffill presiding.

Acts to amend articles 322, 334, 526, 552, 1278, 1775, 1856, 2142, 2255, 2261, 2345, 2346, 2348, 2351, 2415, 2417, 2424, 2500, 2504, 2534, 2542, 2572,

2588 and 2589, of the Civil Code, were put on their first reading and adopted.

The bill for raising a State revenue, and paying the interest upon the State debt, came up as the order of the day and was read.

Sec. 8. *Be it further enacted, &c.*, That there shall be imposed and levied, a tax of half of one per cent. upon the gross receipts of all wholesale dealers; and every person shall be regarded as a wholesale dealer, under this act, whose business it is to sell, or offer to sell, any goods, wares or merchandise of foreign or domestic manufacture or production, whose annual sales exceed twenty thousand dollars per annum.

MR. LEWIS—I move to strike out “fifty,” and insert “twenty thousand dollars.” I offered this amendment on yesterday, but before it could be put, the House adjourned.

MR. S. BELDEN—The motion was to adopt the *section*, at the time we adjourned.

MR. LEWIS—I ask the clerk to inform me, in regard to the point.

THE SPEAKER—The clerk informs me that the amendment was lost, on yesterday.

MR. CHRISTIE—Mr. Speaker: I would like to make a few general remarks upon this bill, as presented to the House, as well as upon the particular section now under consideration. The committee who present this bill, state that it is their desire to equalize taxation. I, with the same motive, have offered an amendment, to strike out the last nine words of this section; and another still, to strike out the word “wholesale,” as I do not see the necessity of inserting the word at all.

Our purpose is, in this connection, to legislate against money, and it certainly makes no difference to this House whether that belongs to one man or another. What difference does it make whether this money belongs to a wholesale or a retail dealer? However this question may be answered by us, the people consider it is a matter of great difference to them. The people will not object to a general and a uniform system of taxation, but they will object to any discriminating method. The manager of a theatre will ask you why his dollar should be taxed more than the dollar of the hardware dealer? while the shoemaker will, in turn, ask you why his dollar should be subject to a heavier burden than that of any other craftsman? Therefore, if you are to tax the dollar, *per se*, let that tax be uniform. The assertion that you must tax that, and nothing else, is certainly undeniable.

When you come to the imposing of licenses, to the raising of revenue by that means, the question assumes a different aspect. You will then be completely justified in fixing a greater license upon the man who keeps a splendid hotel than upon him who supports himself as a small grocer. This matter of licensing must be taken up, whether this committee intended it or not, for the State must have a revenue, and by a system of license we can equitably acquire a portion of it.

For these reasons I would have the discriminating clauses struck out wherever they occur in this bill. It should have been the duty of this committee before presenting it, to have made it a harmonious whole, but to say that it is so now, is to assert what I, for one, do not believe. It seems to me that the members of this House can see nothing in it but an unequal and unfair system of taxation. The business men of this city have, many of them, informed me of the injustice of the tax bill, asserting, however, that they are willing to pay almost anything in this line, provided that the burden falls equally upon all, in proportion to capital. I hope that in this section, as in the others of the bill, there will be no discriminating between the proportionate sum which each man in the community shall pay as a tax.

MR. BOUDREAUX—Mr. Speaker: I move the bill be referred back to the committee, as upon a careful examination of this bill I am satisfied that its provisions are not uniform, and that we should consider it no further.

THE SPEAKER—The motion to refer is in order.

MR. MEETS—Mr. Speaker: I move that motion be laid on the table, for the reason that I know the committee have considered the bill very carefully and have done as well as they possibly can do in regard to the framing and presenting of it. The deferring of its consideration by this House will be the means of spending a great deal of time, without the accruing of any benefit to the people, and, therefore, I wish it to remain before the House, to be amended in any way that the majority of this House consider proper.

MR. BURKE—Mr. Speaker: I do not believe that this bill can, by any possibility, pass this House, and I therefore move its rejection.

MR. CHAMBERLAIN—Mr. Speaker: If it is the desire of this House, at this session, to act upon and pass any bill to raise a revenue for carrying on the government of the State, it will act upon this present one, or appoint a new committee. I believe, though I do not wish to say it boastingly, that I took a great deal of interest in this bill, and acted quite a prominent part in the deliberations of that committee; therefore, I may be allowed to remark, that if this bill is referred back, it will be returned, if at all, in precisely its present form. As we have but two or three weeks farther, at most, during this session, in which to act upon a ways and means bill, it would be well to act upon it now, at once. I am prepared to receive amendments from the House, and would respectfully suggest, that a reference of this bill, at this time, will only occasion a waste of time, and deprive the House of any opportunity it will have of acting upon this matter during the present session.

The motion to table the motion referring the bill to the committee, was lost, after which, section 8 was adopted as reported.

Section 9 was read.

MR. BADGER—I move to amend the tax on retail dealers by substituting "one-fourth of one per cent." for "one-half of one per cent."

MR. FOLEY—I am opposed to the amendment. As has been remarked, it

is a question of taxing the dollar. The retail dealer receives \$1500 per year, and is only taxed to that amount; the wholesale dealer receives \$20,000 per annum, and should be taxed in proportion; and I say the per cent. should be the same, to make the taxation uniform.

MR. CHAMBERLAIN--So far as uniformity is concerned, no one will deny that a dollar in the hands of one man will realize more than in the hands of another. A dollar in the trade of a wholesale dealer realizes a greater profit than in the trade of a retail dealer; therefore the wholesale dealer ought to be taxed more than the retail dealer. The retail dealer is a poor man, comparatively, and this bill was got up with reference to the interests of the poor man, and for that reason we made the poor man's tax less than the rich man's. It is no more than fair, because a dollar in the wholesale trade realizes a greater profit than in the retail trade. The expenditures of the wholesale merchant are comparatively light, while the retail dealer has all the work to do.

MR. BOYCE--The gentleman advances the strangest arguments I have yet heard, and the idea that the wholesale dealer's per centage is larger than the retail dealer's, is entirely new to me. It seems to me to be right the reverse. The wholesale dealer may perhaps make one per cent. where the retail dealer receives three, or perhaps four per cent., and if either be taxed on the dollar the most, it should be the retail dealer.

MR. CHRISTIE--I would argue in favor of making this precisely the same as the other per centage, for the reason that the retail dealer certainly has the advantage in regard to the per centage from his business, over the wholesale dealer. I believe it is a matter that ought to be out of the question before this House. If we undertake to decide upon matters connected with the business of the different members of the community, we shall touch upon ground which we might as well leave alone. Let every man have the choice of his business. If we desire to see this community prosper, and carry on their various business pursuits with as little restrictions as possible, it is not for us to inquire how they make their money, but it is proper for us to aid them in making all they can, by a system of just legislation. I think it is wholly out of place to make any distinction in regard to taxation between the wholesale and retail dealers. Let men make all they can, and let us see that the taxes are equal, and no injustice done.

MR. PRESCOTT--I beg to dissent from the views of the gentleman. It has been the custom in all countries to discriminate between articles of luxury and necessity. Articles of necessity are supposed to be consumed mainly by the poor, while articles of luxury are indulged in by the rich, and those who are able to support the expense, and pay a discriminating duty. Take, for instance, the national debt of England. The system is generally the same as that adopted by the United States, and is the most gigantic in the world. There, tobacco is taxed from 500 to 700 per cent., while salt is not taxed at all.

England considers that tobacco is a luxury, which people are not compelled to buy, but it is impossible to do without salt. The United States, since this war, has also established a gigantic system of taxation. The constitution of the United States, as well as this State, says that taxation shall be uniform and equal; but if any gentleman will examine the taxation system of the United States, the internal revenue or any other, he will see how differently articles are taxed. The government discriminates between articles of luxury, which can be dispensed with, and articles of necessity, which cannot be. If the United States has a right to discriminate, why not the State of Louisiana? If there is any distinction, it is without a difference, and I am unable to appreciate it.

There are some glaring defects in this bill. The retail dealers ought to pay as much as the wholesale dealers. I do not say taxation ought not to be made uniform; still a greater uniformity ought to prevail. A tax of five per cent. on every distiller, is excessive, and ought to be materially reduced. A tax on brewers of three per cent. ought to be reduced to one. I do not see why the insurance companies should get off with half the tax of bankers and brokers. As to our right to discriminate, there can be no question, but let us make it as uniform as practicable.

MR. BOUDREAUX—I do not wish one party to pay a greater tax than another in proportion to his means, and if we reduce the per cent. to one-fourth in one case it should be done all the way through, and the bill made uniform.

The amendment to one-fourth of one per cent. was then adopted.

MR. LASTER moved to adjourn.

Lost—yeas 29, nays 30.

MR. TODD moved to take a recess of fifteen minutes.

Lost.

The speaker, Hon. S. Belden, resumed the chair.

The section was adopted as amended.

Section 10 was read.

MR. SKYMOCK—I move to amend the tax on insurance companies by striking out “one-half of one per cent.” and inserting “one and a half of one per cent.”

A motion to table the amendment was lost.

MR. FOLEY—The gentleman proposes by that amendment, I believe, to increase the tax on insurance companies and make it nearly ten times greater than it is now. At present the tax is one-sixth of one per cent. which he proposes to increase to one and one-half of one per cent. I think it is entirely unjust. The capital of these companies is very large and the amount can always be arrived at, whereas the capital of other business, such as dry goods, etc., is difficult to get at. The insurance companies pay a large tax at present, and if it is increased one-half more, it will be quite sufficient to be just. I do not think the gentleman understood what this tax has been when he offered the amendment.

MR. SEYMOUR—I made the amendment because it is well known that these companies declare the largest dividends of any, and that men of great wealth are at the head of them. If I had \$100,000 to invest to-morrow, I would wish no better investment than to put it in the stocks of these insurance companies.

MR. PRESCOTT—I have already alluded to these companies, and if any one will take the trouble to read the annual statements made by them, it will be seen they declare a profit of from twelve to twenty per cent., and I think they are able to pay one and one-half of one per cent. Their capital is immense and less subjected to casualties than almost any other, and I consider the proposed tax perfectly fair.

The yeas and nays were called on the adoption of the amendment with the following result—yeas 30, nays 30.

There being a tie, the speaker voted in the negative.

On motion, the House then adjourned until 12 m., Thursday, Dec. 8th.

THURSDAY, December 8, 1864.

The House met, pursuant to adjournment, at 12, m.

The minutes of yesterday were read and adopted.

MR. CHAMBERLAIN offered the following resolution:

Whereas, The present salary of Thomas Flynn, police officer of this House, being too small to support himself and a large family, who are wholly dependent on the small sum of three dollars per day, which he receives from this House, he having no other source of pay or emolument whatever; therefore, be it

Resolved, That the pay of said Thomas Flynn be, and the same is hereby increased to five dollars per day.

MR. BADGER—I move to lay it on the table.

Lost.

MR. DEJEAN—I wish to say that the gentlemen who wish to rescind the resolution increasing the *per diem* of the clerk of the Judiciary Committee, do not take into consideration the vast amount of labor which he has to perform; and I think it is only due to him, and to every member of the House who desires to have a good and competent clerk, that his services should be rewarded. He is a member of the bar, and, in the absence of members to superintend the work, he can proceed himself without causing any delay.

MR. MEEKS—I did not think it was proper for this House to make any discrimination between the clerks of the committees, where the duties are alike onerous. A resolution was introduced yesterday, increasing the salary of the chief clerk of the Committee on Banks and Banking, also, to \$8 per day; but it was lost. I have no objection to giving the clerk of the Judiciary Committee \$8 per day, but I think the other clerks have as much work to perform.

The amount and responsibility of the work performed by the clerk of the

Committee on Banks and Banking, are superior to that of the clerk of the Judiciary Committee. The former has all the books of the various banks of this city to go through, and examine the calculations, to see if they are correct. As the resolution to increase his pay was lost, I offered this resolution to rescind that increasing the salary of the clerk of the Judiciary Committee.

The motion to adopt was lost.

MR. LASTER—I move that the pay of the chief clerk of every committee be raised to \$8 per day.

Laid on the table.

Mr. Chamberlain offered the following preamble and resolution :

Whereas, U. D. Terrebonne, now acting as sergeant-at-arms of this House, and with but one assistant, while the former sergeant-at-arms was allowed two assistant; and,

Whereas, The said U. D. Terrebonne is now receiving the salary of an assistant only; therefore, be it

Resolved, That the salary of the said U. D. Terrebonne be, and the same is hereby increased to the sum of ten dollars per day, during such time as the said Terrebonne shall act as sergeant-at-arms.

A motion to table was lost, and the resolution adopted.

A resolution signed by several members of the House, recommending that the salary of F. F. Trenchard, warrant clerk, be increased to \$12, said increase to date from October 3d, was read.

MR. HARNAN—I move to lay it on the table. [Lost.]

MR. FOLEY—I call for the yeas and nays on the adoption of the resolution.

The resolution was adopted by the following vote: Yeas 51, nays 15.

Acts to amend articles 556, 1841, 2419, 2913, 2945, 3102, of the Civil Code of Louisiana, were adopted on their first reading.

The bill authorizing Anson Wood to establish a ferry across the Calcasieu river, was taken up.

MR. R. L. BELDEN—I move its rejection, for the reason that in 1856, the Legislature gave the right to A. J. Clendening to keep this ferry. I am well acquainted with the location of the ferry, and know that the land on both sides of the river belong to him. He is a good Union man, to my certain knowledge, and should not be deprived of his rights, and I think the bill should be rejected.

MR. SEYMOUR—I am opposed to it because I think it is premature; there will be time enough next Legislature.

MR. CHRISTIE—An act of the Legislature of 1855, gives the police juries of the parishes the exclusive right to legislate upon the subject of ferries, toll-bridges, etc., and until we repeal that act, we cannot properly take this action. I am told this place is many miles outside of our lines, and I think it is premature to legislate for ferries beyond the Federal lines.

MR. GRIFFITH—I think the former owner of the ferry has forfeited his rights, by using it to transport the rebel army.

MR. SKYMOUR—I am of the opinion of Mr. Christie. It belongs exclusively to the police juries. I am president, myself, of a police jury, and know that this comes within its jurisdiction, and it is the same throughout the State.

MR. LEWIS—I am opposed to the bill, because the locality is outside of the Federal lines.

The motion to reject was then carried.

The following bills were then taken up, and adopted on their first reading :

Acts to repeal articles 35, 36, 37, 38, 95, 461, 562, 588, 631 and 1462, of the Civil Code of Louisiana.

Acts to amend articles 1523, 1524, 1534, 1158, 1159 and 1367, of the Civil Code of Louisiana.

MR. SEYMOUR—I move a suspension of the rules, to take up bills on their third reading.

Lost—yeas 37, nays 24.

The bill for raising a revenue for the State, and pay the interest on its debt, came up as the order of the day.

MR. CHAMBERLAIN—I wish to offer a substitute for section 10, inasmuch as, in the bill at present before us, there is no discrimination made between State and local insurance companies and foreign insurance companies, although I think there should be a wide difference.

Sec. 10. Be it further enacted, &c., That there shall be imposed and levied a tax of one-half per cent. upon the assessed capital of each and every insurance company in the State ; and every company or corporation taking fire or marine risks upon any property in this State, shall be deemed an insurance company, under this act.

Mr. Chamberlain offered the following substitute to section 10 :

Sec. 10. Be it further enacted, &c., That there shall be imposed and levied a tax of one-half of one per cent. on the gross receipts of each and every local or State insurance company in this State ; and every company or corporation taking fire, marine or life risks upon any property or person in this State, and chartered by this State, shall be considered a local or home insurance company, under this act ; and also, in addition to the above tax of one-half of one per cent., there shall be imposed a license fee of the sum of five hundred dollars per annum.

The motion to adopt the substitute was lost, as was that to adopt the original section.

Mr. Prescott presented a substitute for section 10, differing from the original section only by fixing the tax at one, instead of one and a half per cent.

The substitute was adopted.

THE SPEAKER—This will constitute an additional, separate section.

Section 11, imposing a tax of one and a half per cent. upon the assessed capital of every bank, was adopted without debate.

MR. CHAMBERLAIN—Instead of section 12, which is to levy a tax of one per

cent. upon the gross receipts of every railroad in the State, the committee present the following, and report on it favorably :

Sec. 12. That the several railroad companies, plank road companies, and macadamized road companies, now organized, or that may be hereafter organized, in this State, and completed, in whole or in part, and being operated and used, shall, on or before the tenth day of January, in each year, make out and return, or cause to be made out and returned, to the treasurer of this State, a true and just statement of the gross earnings of their respective roads for the preceding year, up to the first of January, which statement shall be verified by the affidavit of the secretary and state assessor of each company. It shall be the duty of said railroad companies, plank road companies, and macadamized road companies, to pay, or cause to be paid, to the treasurer of the State, for the use of the State, on or before the tenth day of January, in each year, a sum equal to one per cent. of the gross earnings of their respective roads, so returned. But, when a railroad, plank road, or macadamized road, lies partly in this State and partly in another State or territory contiguous thereto, said company shall only pay such a proportion of one per cent. upon the gross earnings of the whole road, so returned, as the length of that portion of the said road, within this State, bears to the whole length of said road.

MR. FOLEY—In the latter part of the first clause, I move to strike out “state treasurer,” and insert “tax collector,” as the former does not receive moneys direct, in these cases.

The amendment was adopted, and the first clause adopted, as was the last, after having been amended in the same manner.

The following was read :

Sec. 13. *Be it further enacted, &c.,* That pawnbrokers, using or employing a capital of not exceeding ten thousand dollars, shall pay one hundred dollars for each license, and when using or employing a capital exceeding twenty thousand dollars, for every additional thousand in addition to ten thousand dollars, they shall pay five dollars. Every person whose business or occupation it is to take or receive, by way of pledge, or pawn, or exchange, any goods, wares or merchandise, or any kind of personal property whatever, for the repayment or security of any money lent thereon, shall be deemed a pawnbroker, under this act.

MR. SEYMOUR—I move to strike out “one” hundred dollars and insert “two.”

MR. LASTER—I amend to “five.”

MR. LEWIS—It is best not to be too hard on the pawnbrokers, for we may have a use for them.

The amendment to the amendment was accepted and the amendment thereupon carried.

MR. FOLEY—I move to insert “all” after the first word “that,” also, to strike out after “pawnbrokers,” so that the first clause shall read, “that all pawnbrokers shall pay a license of five hundred dollars.”

MR. CHAMBERLAIN—That is a substitute ; let the gentleman offer it as such. The substitute was adopted, and the section thereupon carried.

The following (section 14) was read :

Sec. 14. *Be it further enacted, &c.,* That there shall be imposed and levied a tax of three per cent. upon the gross sales of every brewer in the State; and every person, firm or corporation, who manufactures fermented liquors of any name or description for sale from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer, under this act.

MR. CREIGH—I move to strike out "three" and insert "five."

A motion to table this amendment was lost, and thereupon the amendment was lost.

MR. CHRISTIE—I move to amend by striking out "three" and inserting "one."

The amendment was tabled, and the section adopted as reported.

The following (section 15) was read :

Section 15. *Be it further enacted &c.,* That there shall be imposed and levied a tax of five per cent. upon the gross receipts of every distiller in the State; and every person, firm or corporation, who manufactures or distills any spirituous liquors, shall be deemed a distiller, under this act.

MR. CREIGH—I move to strike out "five" and insert "ten."

This motion was declared tabled, but as no quorum voted, the roll was called and the requisite number of members found present.

THE SPEAKER—Inasmuch as there was no quorum voting, I will put the question again.

The question was put, with the same result, and the section thereupon adopted.

The following (section 16) was read :

Section 16. *Be it further enacted, &c.,* That there shall be imposed and levied a tax of three per cent. upon the gross receipts of all auctioneers; and every person shall be deemed an auctioneer, within the meaning of this act, whose business it is to offer property to the highest bidder.

MR. PRESCOTT—Mr. Speaker: I conceive this to be one of the most unjust sections of the whole bill.

An auctioneer may sell a great amount of property, but the proceeds only pass through his hands into those of the party for whom he sold, while the property itself passes to the buyer. Auctioneers only receive a profit of ten per cent. upon their sales, and as we have allowed insurance and other companies to escape with a tax of only one per cent. upon their receipts, I consider that the imposing of the tax proposed would be such a gross injustice that I hope the House will not sanction it.

MR. CREIGH—Mr. Speaker: I think very differently, and do not consider the tax as at all exorbitant, inasmuch as there is no class of the community who are becoming rich so rapidly as auctioneers.

MR. FOLEY—The object is not to tax the auctioneers for property sold or on the proceeds of a sale, but only the per centage which they receive.

MR. PRESCOTT—Why don't the bill say so, then?

MR. CHAMBERLAIN—Mr. Speaker: I would ask the gentleman (Mr. Prescott), if he ever heard of a man's paying taxes on property which didn't

belong to him? We do not propose to tax the receipts of a sale, but only the per centage which the auctioneer receives thereon. This is the proper construction of the article and it is susceptible of no other interpretation by any one who is disposed to construe it fairly.

MR. CREIGH—I move to strike out "two" per cent. and insert "five."

The amendment was tabled.

MR. PRESCOTT—I move to strike out "two" per cent. and insert "one."

A motion was made to table.

MR. FOLEY—Mr. Speaker: I rise for information, and would ask what the per centage allowed auctioneers on their sales, is at the present time?

MR. SEYMOUR—Five per cent.

THE SPEAKER—The rates are graded, and will be found laid down in the Revised Statutes.

MR. FOLEY—I think it is the duty of every member of this House—a duty we owe our constituents—to examine the laws and find out what the present rates of per centage allowed auctioneers are.

MR. CHAMBERLAIN—I cannot imagine—

THE SPEAKER—There is a motion to table.

On motion, then made and carried, the House adjourned until 12 m., of Friday the 9th instant.

FRIDAY, December 9, 1864.

The House met pursuant to adjournment, at 12 m.

Prayer was offered by the Rev. Mr. Thomas.

The minutes of yesterday were read and adopted.

Mr. Foley offered a resolution, which was adopted, rescinding the resolution prohibiting the use of the Hall for any other purpose than the meeting of the General Assembly.

The following, by the same member, was adopted:

Granting the use of the Hall to the friends of Major Gen. N. P. Banks, on the evening of the 9th inst.

Mr. Galligar offered a resolution, appropriating forty-five dollars, for the purpose of reimbursing the postmaster for moneys paid.

MR. FOLEY—Before the question is put, I would say, the bill was presented to the committee, and we refused to audit it. We have already approved a bill of \$10, which should be deducted. We told him, if he would bring in a claim to the House at the end of the session, he would be remunerated by a bill, but we could not appropriate any money, except by a bill—it would be unconstitutional. Besides, I think members, receiving eight dollars per day, should pay their own postage.

MR. MEEKS—I move it be referred to the Committee on Auditing the Claims of the House.

Carried.

A communication signed by members of the Committee on Banks and Banking, recommending the increase of the *per diem*. to their chief clerk to eight dollars, was ruled out of order, a similar resolution having been acted upon.

A resolution was offered by Messrs. Todd and Laster, calling for a special committee to wait upon General Banks on his arrival in New Orleans.

On motion of Mr. Foley, it was amended to a committee of the House, and adopted.

Mr. Tully offered a resolution, calling for an investigation of the affairs of the Mexican Gulf Railroad.

MR. TODD—This matter is now before a committee and will come up to-morrow, and the resolution is unnecessary.

The resolution was adopted, and referred to the Committee on Internal Improvements.

MR. BOVEE—I move that the name of Mr. Dufresne be added to the Committee on Charitable Institutions.

Carried.

A report of the Committee on Auditing and Supervising the Affairs of the House, was adopted.

The following report was read of the Committee on Convention, censuring Messrs. Montamat, Judge Durell and others, for peculations of public moneys, and demanding that public proceedings be instituted for the recovery of the same.

MR. SEYMOUR—I move the report be received, and 200 copies printed.

The question was divided, and the report adopted.

MR. BOUDREAUX—I amend to 150 copies.

MR. MEEKS—I move to lay it on the table.

Lost, and the amendment adopted.

MR. EGAN—I move that the report be published in the official journal for ten days.

Carried.

Mr. Smith gave notice of his intention to introduce a bill entitled "An act for the relief of branch pilots."

The bill entitled "An act to incorporate the Bayou Lafourche and Mississippi Land Improvement Company," was adopted on its first reading.

MR. FOLEY—I move a suspension of the rules to put it on its second reading.

Carried.

MR. BOVEE—I move a further suspension of the rules to put it on its third reading.

The motion was lost, and the bill referred to the Committee on Internal Improvements.

MR. BOUDREAUX—I move a suspension of the rules, to put the bill defining

the boundaries between the parishes of Terrebonne and Lafourche, on its first reading.

Lost.

The bill providing for increasing the revenue of the State, was taken up as the order of the day, and section 16, relative to taxing auctioneers, was read.

MR. FOLEY—I move the bill be referred to a special committee of five.

Laid on the table.

MR. BOUDREAUX—I move to refer it to a special committee of ten.

MR. CHAMBERLAIN—It is out of order. The bill must first be referred to a special committee, and then the number designated. The motion to refer has been tabled.

MR. CHRISTIE—I amend to a special committee of three.

MR. FOLEY—My motion was to a special committee of five. Any motion, either increasing or decreasing the number, is in order.

MR. WATERS—I move it be referred to a Committee of the Whole.

MR. CHRISTIE—I have no objection to go into Committee of the Whole. The question before the House is, the number of the committee to whom the bill shall be referred, and the chair has power to decide which motion shall be taken up first.

MR. CHAMBERLAIN—According to Parliamentary rules, a motion to refer does not state the number of the special committee. It is two distinct motions. Our rules state, that all motions, susceptible of division, shall be divided by the chair.

MR. MEEKS—I trust that none of the motions will prevail, for I believe that no special committee would return the bill to the House in a better form for action, and I hope it will remain here till we get through with it. If there is objection to any section of the bill, or the bill as a whole, let it be made, and acted upon; but I do not think it is necessary to refer it to any special committee.

MR. CHAMBERLAIN—I move we go into a Committee of the Whole, for the purpose of discussing the bill.

Carried.

The speaker called Mr. Chamberlain to the chair.

The bill, as reported, was read by the clerk.

MR. TULLY—I move the committee now rise, and report progress.

Carried.

The speaker, Hon. S. Belden, resumed his seat.

The chairman of the Committee of the Whole reported progress.

MR. BURKE—I would inquire, if the bill is considered on its first reading?

THE SPEAKER—As I understand it, the bill was read for the first time in Committee of the Whole.

On motion of Mr. Tully, the House then adjourned until 12 m., Monday, December 12th.

MONDAY, December 12, 1864.

The House met, pursuant to adjournment, when prayer was offered by the Rev. Mr. Strong; after which, a quorum being present, the minutes were read.

A communication, received from the city mayor, requesting the Committee on Enrollment to vacate the city attorney's room, was adopted, and the sergeant-at-arms authorized to procure another room for the committee.

A memorial was received from the branch pilots, requesting an increase of pilotage fees.

MR. BADGER—I move the rejection, as pilotage has been higher in this than in any other port in the United States.

MR. FOLEY—I never heard of rejecting a memorial, Mr. Speaker.

MR. TODD—Mr. Speaker: I don't think that the gentleman understands the question. This memorial does not ask any appropriation from the State. The pilots receive but two dollars and fifty cents a foot on a vessel's draft, which is paid by the owners of the respective vessels. On this compensation they simply ask an increase of one dollar per foot.

MR. BADGER—Mr. Speaker: I would like to ask the gentleman how long that law has been in force? I sailed in and out of this port for three years, and always paid three dollars a foot for pilotage.

MR. TODD—For branch pilots?

MR. BADGER—Yes, sir.

MR. SMITH—The Legislature of New York have raised the rate of pilotage one dollar and seventy-five cents a foot, and I think that the proposed increase is not unreasonable. A bill will shortly be presented on the subject, to which this memorial is but a prelude.

MR. BADGER—Mr. Speaker: Pilotage to and from this port has always been considered a sinecure, and, when coming into this port, I used almost always, before getting in the vicinity of the bar, to get a steamer before taking a pilot, as the pilots do not cruise off the bar, as is the custom among the New York and Boston pilots—unless this has been the case since the breaking out of the war, in regard to which I cannot speak from experience. It is the practice of these gentry to leave the ship as soon as she is over the bar; and as for the labor of passing that point, the general order is: "Keep the craft just behind our boat." [Laughter.] I withdraw my motion to reject, and am willing to have it referred to the Committee on Commerce.

The memorial was referred to the Committee on Commerce.

A resolution was presented, directing the warrant clerk to pass to the members their individual warrants, or to collect thereon the face of them, as may be desired.

MR. MEEKS—I amend so as to include clerks.

The amendment was accepted.

MR. FOLEY—Mr. Speaker: I think it is already the duty of the warrant

clerk, if I desire a separate warrant, to give it to me, after it has been signed by the speaker of the House and the chairman of the Finance Committee. I therefore think it is unnecessary for this resolution to pass.

MR. BADGER—I am satisfied with the explanation, Mr. Speaker. My only object in introducing the resolution was, that the warrants might be used in the payment of taxes, &c.

A motion to table the resolution was lost, after which it was adopted.

The Senate announced its concurrence in the bill fixing the mileage of members of the General Assembly at twenty cents per mile.

A petition was received from J. C. Prendergast, Esq., asking for remuneration for publishing lists of uncollected taxes, &c.

MR. PRESCOTT—Mr. Speaker: I wish to make a few remarks upon this subject. I think that claim dates as far back as 1855. The gentleman presenting it has had opportunities of applying to several previous Legislatures for redress, but, it would seem, he has not done so. I must think that he did not do it because he is not entitled to the sum he asks for. Moreover, this claim is barred by prescription, for, according to our laws, book accounts are barred in three years. Therefore, there can be no obligation for us to pay this so-called debt; but if the House chooses, in its generosity, to liquidate this bill, I have only to say, that I, as an ardent and consistent advocate of economy, move the rejection of the petition.

MR. HARNAN—Mr. Speaker: This is a legitimate bill, which was brought before the Legislature at Baton Rouge, and reported on favorably. It has never been paid, however, and I, therefore, move that it be referred to the Committee on Claims, who can give it the necessary consideration.

The petition was rejected—yeas 23, nays 20.

The Committee on Internal Improvements reported that the Mexican Gulf Railroad had ceased to be a public convenience, and therefore recommended a joint resolution, directing it to go into liquidation.

The report was received, and the resolution laid over under the rules.

The Committee on Judiciary reported favorably on the bills relative to collecting of taxes, judicial advertisements and district attorneys, amending the latter, and recommending immediate action upon it.

The Committee on Internal Improvements reported that Henry Hart, President of the New Orleans City Railroad Company, had refused proper facilities for examination of the affairs of that corporation, and presented a resolution, authorizing his arrest until he should do so.

The report was adopted and the resolution passed.

The same committee requested leave to withdraw their report relative to the Gas Company, inasmuch as new developments might necessitate a change of it—which request was complied with.

A bill was brought up to define the boundary between the parishes of Lafourche and Terrebonne, and was next in order.

MR. LEWIS—**Mr. Speaker** : I have not heard of any petition or memorial from the respective inhabitants of these parishes, requesting anything of the kind ; besides which, the members from Lafourche are opposed to it. It seems to me that we should not change these boundaries unless the people of both parishes desire it.

MR. SEYMOUR—I move the rejection of the bill, for the same reason that the gentleman has just presented.

The bill was rejected.

The bill authorizing branch pilots to charge an extra dollar per foot on all vessels arriving at or departing from New Orleans, was presented on first reading.

MR. FOLEY—**Mr. Speaker** : I believe that this bill is unconstitutional, because, according to our constitution, no bill shall be revived or amended by reference to its title, but shall be re-enacted at length. The bill is not drawn up in accordance with this direction, and I think that the gentleman introducing should be permitted to withdraw it.

MR. PRESCOTT—I have the original act before me, **Mr. Speaker**, and as I cannot find in it any resemblance to the bill offered, I do not see how we can reject this. I think that the proposed increase is perfectly reasonable, and if the bill is not rejected, shall give my reasons for its adoption, in a more extended manner.

MR. BURKE—I think it is nothing more than just, **Mr. Speaker**, that these pilots should be granted a little additional compensation. This House has very seldom objected to raising of salaries, and I do not see how we can, in consideration of their present limited pay and the rigor of the times, oppose this slight increase of their present emoluments.

MR. BADGER—**Mr. Speaker** : I beg leave to differ entirely from the gentlemen who have thus far spoken on this bill. We know that vessels coming here are so heavily loaded that their draft is great, which increases the pay of the pilot accordingly. Pilots have always been well paid in this port, though their duties are so small that the position is but a sinecure. For these reasons, although I do not object to referring it to a committee, I am opposed to allowing pilots to receive any greater compensation, per foot, than they do at the present time.

MR. FOLEY—I am opposed to this bill, and must so declare myself, upon the ground that it is unconstitutional, as I believe the bill amended must, according to the constitution, be revived at length, while this bill does not provide for that at all.

The bill was referred to the Committee on Commerce.

The House then went into a Committee of the Whole, for the purpose of considering the bill for increasing the State revenue and paying the interest upon the State debt.

Mr. Foley offered a substitute for the whole bill, of which one hundred

copies were ordered to be printed and made the order of the day for Wednesday next, a motion to reject it, having been lost.

An act authorizing the city to build a bridge opposite Galvez street, on Canal Carondelet, was adopted on third reading.

A similar act, authorizing the building of a foot-bridge on Liberty street, at the intersection of the New Basin Canal, came up on third reading.

MR. EGAN—I move the rejection of that bill, as there is a bridge within two blocks.

MR. CREIGH—I move its adoption.

MR. PEARSON—Mr. Speaker: This bridge is an actual necessity, for the locality is very thickly populated, and each person wishing to go directly opposite this street, on the other side of the Canal, must walk at least a mile. I contend that, on account of the situation and relative distance of markets, this bridge is much more necessary than that, the construction of which has just been authorized by the House.

MR. EGAN—Mr. Speaker: I must differ altogether from this view of the question, for that locality has but few inhabitants, and it is not worth while to put up a bridge to accommodate every person who wishes to visit a grocery on the other side of the Canal. If a bridge is built, it must be a draw bridge, and a keeper must be appointed to collect tolls, which must be attended with a good deal of expense. About three blocks from where this proposed bridge is to be built, there is already a good substantial bridge; and for this reason, in connection with my others, I think the bill should not pass.

MR. BADGER—Mr. Speaker: My only objection to this bill is, that a draw bridge must be built and it is almost impossible to procure lumber enough to keep in repair the one across the New Basin, and it will be equally difficult to maintain another in good order.

MR. WATERS—It strikes me, Mr. Speaker, that this bridge is much more requisite across the New Canal than across the old, as there is but one there at present, and if it should fail for any reasons, the inhabitants of that locality would have to go more than three miles to the first market. I am astonished, sir, that any gentleman should get up here and attempt to choke down this bill, which provides for a bridge so very much needed.

MR. SHAW—A bridge is absolutely necessary in that locality, and there must be one.

MR. BOVEE—Mr. Speaker: This bill only authorizes the city to build a bridge in that locality, a permission which certainly should not be refused.

MR. PEARSON—Mr. Speaker: On the Old Canal there are five or six bridges within a square of each other, while on the New Canal, there is but one from the head of it for a very long distance. If, as the gentleman has remarked, this should get out of order, a very serious inconvenience must be the result.

The bill, with its title, was then adopted upon its third reading, as were the following :

Acts to amend article 155 of the Civil Code ; to provide for the preservation, conduct and promulgation of the legislative and judicial written records of the State ; relative to the adoption of minors, and relative to attorneys at law.

The House then adjourned until 12 m., Tuesday, the 13th inst.

TUESDAY, December 13, 1864.

The House met pursuant to adjournment, when the Rev. Father Magee offered prayer, and the minutes were adopted.

MR. FOLEY—Mr. Speaker: I rise to a question of privilege. I notice that my [name] is inserted in the official minutes as having introduced a resolution relative to the Mexican Gulf Railroad. As this is a mistake, for I never did present any resolution on the subject, I ask to have the minutes corrected.

MR. TULLY—I presented the resolution.

THE SPEAKER—The correction will be made.

MR. TODD—Mr. Speaker: A resolution was passed on yesterday, authorizing the arrest of the president of the New Orleans City Railroad Company. Since that time I have been informed by the president *pro tem.* of that company, that the gentleman referred to has been sick for some time, and therefore not a party to the disrespect shown to this House.

THE SPEAKER—I would inform the House that I have not complied with the resolution passed on yesterday, as the president *pro tem.* called upon me, stating the facts just reported to the House, and I wished to refer the matter for consideration.

MR. FOLEY—I move that the resolution requiring the arrest of the gentleman in question be rescinded, and that we postpone the matter, subject to call.

The resolution was thereupon rescinded.

MR. CHRISTIE—Mr. Speaker: I would like to inquire what answer was given by Mr. Hart, when asked by the committee to come before them. I cannot vote without I understand this matter.

THE SPEAKER—I will explain, that the question is in reference to the resolution passed on yesterday, referring to the arrest of the president of the New Orleans City Railroad. I did not make out the warrant, as the president *pro tem.* called upon me and stated that the president had been unable, on account of sickness, to comply with the request of the committee to appear before them. I therefore wished the House to decide what action should be taken with regard to the excuse.

MR. TODD—I have just been informed that the president has been, for some time, partially deranged.

The motion to rescind, on being put again, was unanimously carried, whereupon the report of the committee, recommending the resolution, was referred back.

MR. TODD—Mr. Speaker: I move a reconsideration of the vote of yesterday, requiring the public laws to be published only in the language in which the constitution of the United States is written.

MR. LEWIS—Mr. Speaker: I would call the attention of the House to the fact, that this bill has passed its three readings and been adopted. I do not think that the motion to reconsider is in order, and, therefore, move it be laid on the table.

MR. FOLEY—Mr. Speaker: I would inquire if this bill has been sent to the Senate for concurrence?

THE SPEAKER—Yes, sir.

MR. FOLEY—Then this is out of order.

The motion to table was carried.

MR. TULLY—I would like to have my name entered as protesting against this bill, as only a very few of my constituents can read the English language.

MR. LEWIS—Why did you not oppose the bill when it was before the House?

MR. BURKE—Let your constituents learn the English language, sir.

THE SPEAKER—The protest will be entered on the journal.

MR. LEWIS—Mr. Speaker: Has the gentleman a right to protest at this time? I contend that it is not before the House, and that he cannot therefore do so.

Notice was given of the introduction of the following bills:

The introduction of the bill directing the Mexican Gulf Railroad to go into liquidation, was given notice of.

MR. PEARSON—I move the rules be suspended and the bill put on its first reading; and, the same course being pursued, it was read for the second time.

MR. CHAMBERLAIN—Mr. Speaker: Before I vote for the adoption of that resolution, it is absolutely necessary that the committee who presented that resolution should also give their reasons for so offering it. We ought not to act hastily in this matter, but to take into consideration the circumstances in which the road is placed at the present time, which are not such as those which have heretofore influenced its government, and for which we ought, perhaps, to make some allowance.

If the gentlemen of that committee can present sufficient and reasonable cause why the road should go into liquidation, I am ready to vote for the resolution. I call upon the committee to state the grounds upon which they recommend its passage.

MR. SEYMOUR—Mr. Speaker: I am in favor of this resolution, and shall

vote for it cheerfully—more cheerfully than for almost any other that could come before this House. I have known about this road, and a more wretched, dilapidated concern, I never travelled on. Five years ago I went on it to Proctorville, and jumped off of the train, thinking I would walk a little ways, but was not overtaken for an hour. We were five hours in travelling twenty-seven miles, which is not wonderful, considering that the only locomotive on the road was built in 1839, and is entirely used up now.

MR. TULLY—**Mr. Speaker**: This road is in the parish which I represent, and I can truly say that it is, and has been for the past fifteen years, nothing but a public nuisance. I started one afternoon, at about 3 o'clock, to go eighteen miles, and finally succeeded in arriving at my journey's end at 1 o'clock at night. On almost every day the cars run off the track, and have now been stuck in a ditch for the last five days.

I think the resolution is just, especially as good offers have been made to the proprietor of the road for the purpose of taking it off his hands. Therefore, I shall vote "yes."

MR. WATERS—**Mr. Speaker**: I have taken pains to find whether the proprietor of this road is willing to dispose of the stock, or portions of it. He said "no;" and that after the war was over, the road would be put in order, but that some fifty or sixty thousand dollars must be expended in doing so; still, he didn't want any outside parties to be meddling with the road.

MR. SEYMOUR—That road, **Mr. Speaker**, is owned by one party—a widow, by the name of Gordon. I know that two hundred and eighty thousand dollars were offered for the privilege of running the road to Ship Island, which was peremptorily refused.

MR. TODD—**Mr. Speaker**: The testimony before the committee stamped this road, in our opinion, as nothing more or less than a public nuisance. By documents, the House will see that there is a certain and a large portion of valuable lands which this railroad holds, in order to secure its location.

It will be seen that we can legally order this road to go into liquidation; which it certainly should do.

The bill was adopted on third reading, and ordered to be engrossed.

A motion to suspend the rules in order to take up the bill allowing branch pilots to increase their charges, was laid on the table.

The following members gave notice of their intention to introduce bills:

Mr. Prescott: "An act to define the duties of State tax collector."

Also, "An act for the relief of the State library."

Mr. Seymour, in behalf of the Committee on Judiciary, gave notice of his intention to introduce the following acts:

"Acts to amend articles 3143, 3144, 3145, 3146, 3184, 3216, 3217, 3220, 3233, 3234, 3236, 3238, 3248, 3256, 3274, 3296, 3300, 3363, 3385 and 3435, of the Civil Code of Louisiana."

A bill for establishing free schools was taken up section by section, and passed without debate, except as hereinafter noted :

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That means shall be provided, in the manner heretofore specified, for the education of the youth of this State, between the ages of six and eighteen years, in such manner as shall be prescribed by the directors of each District. But any person, under the age of twenty-one years, shall have the right to at least three years' tuition.

MR. CHAMBERLAIN—This section, as it reads, is incomplete, inasmuch as no means have been "provided" in this bill. I therefore move to amend by inserting "be provided as specified in the constitution of 1864, article 144."

MR. HARNAN—I move that be laid on the table, as it is provided in the bill.

The motion to table was carried.

MR. CHAMBERLAIN—Mr. Speaker: I would call the attention of gentlemen to the fact that there is no "heretofore." How can there be, when this is the first section of the bill? That is the reason that I moved to strike it out. Means are provided, and why not say so?

MR. PRESCOTT—Mr. Speaker: In the previous school bill, of which this is a modified copy, the same words occur, but at the same time, by a different arrangement of the bill, some four sections precede in the old, this first one in the new bill. Therefore, this word is a simple absurdity here, and "hereafter" should be substituted.

MR. BRECKENRIDGE—"Heretofore" manifestly refers to the means which have previously been resorted to, that is, by taxation. Therefore, no amendment is necessary.

MR. HARNAN—I move to strike out "heretofore," and insert "hereafter."

The motion was unanimously carried, and the section then adopted as amended.

The following, section 5, was read :

Section 5. *Be it further enacted, &c.,* That there shall be appointed, by the police jury of each parish, at their March term, a parish superintendent who shall enter upon his duties on the _____ of June, and continue in office one year, or until his successor is appointed and qualified. He shall be the depository of the school fund, apportioned or collected for the use of the parish, &c., &c.

MR. BURKE—Mr. Speaker: I am opposed to having any parish superintendent, and therefore move to strike out of this section the words authorizing their appointment. They will cost the State some thirty thousand dollars, and, if we do have them, I wish to know for doing what we are now paying the superintendent of the State at large four thousand dollars a year? If I can be satisfied on this point, I may be willing to have this tax of thirty thousand dollars laid upon the State; but I am at present conscientiously opposed to it, because I believe it is wrong—more especially as the bill

proposes that school directors shall be appointed as before, to conduct affairs.

The superintendents have only to handle the money to be paid to the teachers, and believing that, for this and my other reasons, there should be none, I call upon the House to vote this part of the section down.

MR. PRESCOTT—You are all aware that the school system of Louisiana has been considered a failure, and I consider it myself a partial failure. I have had fifteen years' experience in school teaching, and have thoroughly investigated this system, and give it full credit for all its beauties, but at the same time fully realize its defects. In considering this question, I will merely discuss this provision. We have substituted *parish superintendent* for *parish treasurer*. I will tell you the reason. In the parishes a parish treasurer got a per centage on the sum disbursed, amounting to perhaps \$200 per year, though in some parishes as high as \$400 or \$500. The paper money, which is now a legal tender, is worth at least one hundred per cent. less than the gold in which this salary was formerly paid.

You must recollect, the office of parish superintendent is really no new one. In the first act organizing free schools, there was a parish superintendent, but the office by a subsequent Legislature, was entirely abolished; hence the partial failure of the school system. I will read the opinion of the state superintendent, for I consider him a competent judge, but have not acted on his suggestions, as I had regarded the matter in this light before.

Now, I will inform the House how these treasurers have performed their duties. In my parish we had, as treasurer, a young gentleman, a graduate of Jackson College, who was very amiable, and who really had at heart the welfare of the rising generation. He disbursed the funds, but did not visit the schools or examine the school teachers. He took no interest in these things, because it was not incumbent upon him to do so. In order to make the school system efficient in any city or parish, a county superintendent must examine the teachers, and appoint none but men of good moral character and of excellent qualifications, for the office. He must also visit the schools at least four times a year, locate school-houses, advise with the directors—in fact, supervise the whole school system of the parish in which he exercises his office. I have told you that the office of parish treasurer, as far as he was *ex officio* superintendent, is a mere nullity. He has no duties except the disbursement of public money, while the salary received was more than that which it is proposed to give to the parish superintendent. These men go and visit the schools, locate the houses, act as advisers of the directors, and examine teachers. In the Northern States the same system prevails, as well as in Canada, and has been successful there, and will be here, if we can provide a proper supervision. The salary of these officers has been fixed at \$600 per year. You must remember that, under the old

system, \$300 was the amount, and I have doubled it, to bring it to accord with the depreciated value of our money. The gold paid in the first instance would be more than equivalent to the amount of the other, in greenbacks.

I, therefore, consider the salary very small, and do not think any gentleman, who is capable of performing the duties of the office well, should receive less. Believing that the efficiency of the system depends upon this provision, I trust it will be adopted. If the old system is revived, it will not only prove a failure, as before, but will cast opprobrium upon the Legislature, that had no more foresight than to enact such a law.

MR. CHAMBERLAIN—I have only to say, that the statement made by the gentleman (Mr. Burke), when he asserted that the parish superintendent has nothing to do but handle money, is entirely incorrect. The parish superintendent has a great many duties to perform, some of which are very arduous, and this labor will continue till the school system, as a whole, is organized. The gentleman appears to object to having parish superintendents, on account of having a state superintendent. I would like to know what the state superintendent does towards organizing the schools in the parishes. Nothing. We might possibly dispense with the state superintendent after awhile, but not yet. The time may come when he will be no longer necessary, but that will not be until after the schools have been organized and established on a firm basis, and until such time arrives, it is absolutely necessary, as has been found in every State, to establish a parish or county superintendent of public education, whose duty it is to locate schools, apportion the money each district is entitled to, etc. Gentlemen have forgotten, if they ever took the trouble to read the whole bill, which I doubt very much, that the districts have to be made much smaller than formerly. Before, each comprised an area of perhaps twenty square miles, but now it has to include forty children, which will make the duties of the parish superintendent much more arduous than they have ever been before.

MR. CHRISTIE—The subject of economizing the funds of the State in reference to education, is one of momentous importance. I hold, that a people standing, as the people of Louisiana now do, upon the confines of liberty, should take into consideration the great interests and welfare of the rising generation. It is a matter of great importance to this Assembly that the children of this State should be educated under a system, which will enable them to arrive at attainments, if possible, superior to those which this or any other State can give.

I hold that the money in question is a matter of no moment whatever. I care not how much you may economize in all other matters of legislation, but in this, I hope that the members of this Legislature will evince unbounded generosity. It is, in my opinion, a matter of such importance, that I cannot attempt to grasp the subject, or portray it to the minds of the members here assembled; but let me say that the machinery of the common school system

must be put in operation in our State. It is necessary to have boards of directors, and I believe it is essentially necessary to have superintendents in every parish in the State. I think this school system should be put in immediate practical operation. There were twelve parishes in this State and I never heard any particular objection to there being a superintendent in each parish.

My own idea was to present a bill establishing districts with deputy superintendents, four or six throughout the whole State. The gentlemen of the committee to whom this has been referred, have come forward unanimously and endorsed the bill now before you. It is the old system revised, and I have no doubt it will work well. But so far as the question of money is concerned, I hope there will be no restrictions. There is nothing I can conceive of, that is of more absolute or direct importance to the welfare and interest of the State, than to have the children properly educated. I hope proper provisions have been made in the bill by which superintendents will be compelled to do their duty faithfully towards the State and towards the children. I have read the bill through but once, but it meets mainly with my approbation. Gentlemen, I say educate all these children well, and never mind what the cost may be. The welfare, interest and perpetuity of our State and government depends upon the manner in which we educate the children of Louisiana. Old things are passed away, and we are arriving at a new condition of things entirely. The school system of Louisiana heretofore has been a farce, so far as the State is concerned.

In the city of New Orleans we have a school system, but, in my opinion, it is one faulty in many respects, and is full of grievous errors, either from the board of directors, or the body that controls that board. The children of this city, in many of the schools, two months since, were sitting in the school rooms sucking their thumbs, for the want of books, slates, paper, etc. I am astonished when I look at the pay-roll, and see the money that has been paid out, in support of the system, in this State alone. I cannot conceive how the system can be carried on, unless we have a parish superintendent, and a superintendent for the State. While the superintendent was sitting here, awaiting the action of the board, the board awaited, perhaps, the action of the bureau, and the children in your schools are neglected, and their education—a matter of the utmost importance—forgotten, in this free State. In 1860 or 1862, I took it upon myself to see that \$290,000 were spent in this State to carry on these schools. How were they carried on? It is of no use for the state superintendent to prepare and present to this House, his nicely varnished report. There is something wrong; and, in your consideration of this bill, I hope you will give it the calm reflection it deserves. Recollect, we are entering upon a new existence. I would let things that are passed, go to the shades. Now is the time to make an effort to arrive at something that will put the system of education in proper shape, and force the gentlemen, whose business

it is to bestow these offices as intended, and we shall have accomplished a great and important work. I hope every clause of the bill will receive weighty consideration, for to me it is one of more importance than any which has come before this House. I hope the clause with reference to parish superintendents will be maintained, and that their duties will be well defined.

MR. BRECKENRIDGE—I must say that I coincide heartily with the views of the gentlemen who support this part of the bill. A few days ago I had a conversation with the gentleman who takes the opposite ground (Mr. Burke), about the subject of education. He told me he was a parish superintendent—

MR. BURKE—I deny it.

MR. BRECKENRIDGE—Or rather a school director, and that he was in favor of employing, as teachers, none but ladies, and I could not move him from the point. Now, I find that he has abandoned the ladies, and taken the money-saving view of the question.

I am in favor of this bill, and of allowing the parish superintendents \$1000 a year, instead of \$600.

On motion of Mr. Badger, the House then adjourned until 12 m., Wednesday, December 14th, 1864.

WEDNESDAY, December 14, 1864.

The House met, pursuant to adjournment, when the minutes were read.

MR. TULLY—Mr. Speaker: I see by the reading of the minutes, that my protest is not entered.

THE SPEAKER—I do not think the protest was in order, as it should have been presented at the time that the bill passed finally.

MR. TULLY—If it cannot be entered upon the minutes, I nevertheless, wish it to be understood that I do solemnly protest against the passage of a bill which only allows that part of our constituents who understand English, to know what the laws are.

MR. FOLEY—I move that the gentleman's protest be allowed to be spread upon the minutes.

The motion was carried, after having been amended so as to include Messrs. Dufresne and Smith.

The rules were suspended and a resolution permitting the use of Liberty Hall to the friends of Gen. Banks, was passed.

The following bills were given notice of:

Mr. Dejean, on behalf of the Committee on Judiciary, gave notice of his intention to introduce the following bills:

"Acts to repeal articles 3439, 3444, 3510 and 3513, of the Civil Code."

"Acts to amend articles 536, 537, 945, 3436, 3445, 3490, 3501 and 3522, of the Civil Code of Louisiana."

MR. BOUDREAUX—Mr. Speaker: I find that my bill with regard to change

of boundaries between the parishes of Terrebonne and Lafourche, has been rejected during my absence, because, as I understand, no petition was produced, showing that such a change was desired by the people. I have a petition showing that the people do wish to be annexed to the parish of Lafourche; therefore, I ask for a reconsideration, that I may show that I do not, for any personal reasons, wish the proposed change.

MR. LEWIS—**Mr. Speaker**: That bill was probably rejected on account of my remark, that no petition had been presented from the people of those two parishes. I was not aware that the gentleman who presented the bill was absent, and after I made these remarks, the gentleman before me (**Mr. Seymour**), moved the rejection of the bill, which motion was carried.

MR. PRESCOTT—**Mr. Speaker**: I am opposed to any suspension of the rules, because the people of Terrebonne have not been consulted, as I understand. The proposed change may be agreeable to the people of Lafourche and not to those of the other parish, whose wishes should certainly be consulted.

MR. BOUDREAU—I have a petition from the parish of Terrebonne asking for this change.

MR. PRESCOTT—I am willing that there should be a reconsideration, if that is the case.

MR. FOLEY—I believe, **Mr. Speaker**, that the proper course is, to present a memorial and refer it to the proper committee.

THE SPEAKER—That is a very good suggestion. I don't think the House would or should take advantage of the rejection of a bill at a time when the gentleman presenting it was absent.

MR. BOUDREAU—With the permission of the House, **Mr. Speaker**, I will withdraw the bill for the present, and bring it in with the petition.

The gentleman was allowed to withdraw the bill.

Acts to amend articles 48, 70 and 67, of the Civil Code, were adopted on first reading.

A motion to suspend the rules to take up the bill for establishing a railroad from Houma, was lost.

MR. VAN TROMP—**Mr. Speaker**: I move a suspension of rules, in order to take up the bill relative to the Deaf, Dumb and Blind Asylum at Baton Rouge, as it is very important, and because the children therein are actually suffering from want of action by the House.

The rules were suspended, and the bill, with its title, adopted on third reading.

Bills to amend article 1157, and for the relief of loyal citizens suffering from the burning of Alexandria, were passed on first reading.

The rules were suspended in order to take up all bills on third reading.

The act for the relief of parish of East Baton Rouge was brought up.

MR. CREIGH—I move that be rejected. If the people of that parish cannot

pay their own expenses, I don't see how they can expect other people to do it for them.

The act was rejected—yeas 51, nays 16.

An act authorizing the issue of State treasury notes to the amount of five thousand dollars, and appropriating — sum or so much of it as might be required to secure the engraving, &c., of the same.

MR. BOUDREAUX—I move the bill be rejected.

MR. CHAMBERLAIN—Mr. Speaker: I wish to state that I shall vote against this bill, because I believe it to be unconstitutional.

The motion to reject was lost.

MR. FOLEY—I move to fill the blank by inserting “twenty thousand dollars.”

The amendment was in turn amended to “ten thousand,” which was accepted, and thereupon the bill was adopted, together with its title, on third reading—yeas 34, nays 21.

An act to amend an act relative to the harbormasters of New Orleans, allowing extra compensation, came up.

MR. CHAMBERLAIN—Mr. Speaker: The act intended to be amended, is not re-enacted, as, according to our constitution, it must be. It is only referred to by its title; and, therefore, I move it be referred back to the originator, that it may be put into proper form.

MR. FOLEY—The gentleman is in error; and if he will listen to the reading of the bill, he will find it rehearsed at length.

MR. CHAMBERLAIN—It should be appended.

MR. FOLEY—It is.

MR. CREIGH—I move it be rejected, as the harbormasters receive compensation enough now.

MR. CHAMBERLAIN—I must vote against tabling the bill, because I believe it should be referred back. I do not believe that the proposed increase of compensation is too much.

The motion to table was lost, and it was therefore adopted, together with its title, upon third reading. Yeas 32, nays 28.

A bill was brought up, relative to a bounty fund for Louisiana State volunteers, and to provide a board for the receipt and distribution of it.

MR. FOLEY—Mr. Speaker: I am opposed to this bill, because there is no such thing as a free school accumulating fund, to which it is proposed to donate this bounty fund, if it is disposed of by a certain time. I cannot understand, either, as to how the fund is to be raised; and, as I believe the bill has never been explained or referred to a committee, I call upon the gentleman who presented the bill to inform the House in relation to it.

MR. CHRISTIE—Mr. Speaker: I am extremely thankful for the implied compliment which the gentleman has just proffered to me, as the mover of that bill. I conceived that, in the proposition which I brought forward, to

organize a charitable fund for the benefit of the volunteer troops of this State, I was performing an act not creditable to myself, perhaps, but which would be creditable to the State, as showing an interest in the behalf of the soldiers who are doing such arduous duty in its behalf. It was not supposed that it was possible for this Legislature to make a grant of some two or three hundred thousand dollars to its soldiers, already in the field; but it was supposed, that even if the treasury of the State was not in a condition to permit that, it would be feasible to take some action to forward the noble aim proposed in the bill. Whether a bill, which appeals so strongly to every member of this House, has any sense in it, it is for you to determine. I believe that it will work well. A board of control will be organized, to which citizens may see fit to contribute and bestow upon our State troops. These boards have before been organized, and have rendered good service for the cause. As to its appropriateness, if any gentleman will show me any class who have as great a claim upon us as our soldiers, I would like to have him do it.

I believe that by placing the control of this matter in the hands of the governor, adjutant general, and the other worthy gentlemen who are to compose the proposed board, a great work can be accomplished—a great purpose can be effected. I cannot believe that any gentleman here will discourage this or endeavor to prevent the people from contributing their mites for the benefit of our State troops and their families. Their claims at the present time are urgent. I have been among them, in other parts of the State, and have been implored by them to make an exertion for the taking of some action by which their pressing wants might be relieved. I have conversed with the several gentlemen named in this bill, and have been assured by them that they consider the measure practicable. Nothing is asked from the State and nothing from the House, but that it will, in conjunction with the Senate, pass this bill, when these gentlemen assure you that they will use their utmost endeavors to secure such a fund for our volunteers as will be creditable to both the State and the city.

MR. PRESCOTT—Mr. Speaker: I do not think that in the present impoverished condition of the treasury the proposed bill is a wise one, for the reason that we are pecuniarily unable to apply funds for the object wished. If we grant a bounty or appropriation to one regiment, we must do so in the case of every other, and this we cannot possibly do, with justice to the people of the State. If any other means can be devised for rewarding these men, I will cheerfully support it, but I am totally opposed to any appropriation of money, for the simple reason that we have not got it to pay.

We have now a State debt to the amount of thirteen millions of dollars, on which we cannot pay the interest, because the treasury is wholly exhausted, and we have no means of replenishing it, though various schemes have been presented to us, for so doing, none of which are, in my opinion, practicable.

I am perfectly willing to, and do most cordially, recognize the claims

which our State volunteers have upon us ; but I do not believe in voting them mere compliments, for I do not believe that they will be appreciated ; while, to pay them in a more substantial manner, we are utterly unable to do, at the present time. If the State should, at any future time, be in a more suitable condition to bear this proposed burden, I would aid it by every means in my power, but must now oppose the bill on the ground of its impracticability.

MR. BOUDREAU—Mr. Speaker : I do not believe that the State is now in a condition to respond to more calls upon its depleted treasury. If the bill covered all the volunteers of the State, I would, perhaps, favor it ; but the amount to be appropriated is so large, for one regiment, that we shall not be able to do the same in relation to any others—if, indeed, we could do justice in the present case.

MR. FOLEY—Mr. Speaker : Gentlemen seem to be laboring under a great mistake, inasmuch as it does not provide for any appropriation to any regiment.

I am opposed to the bill, because I consider it impracticable—not feasible. There is no use in passing empty projects for the benefit of the volunteers of this State—no use in paying them compliments, without paying, at the same time, something substantial and tangible. The clause providing that if this fund, when raised, is not called for by a certain time, it shall be passed to the accumulating school fund, is perfectly nugatory, inasmuch as there is now no such a fund.

MR. CHRISTIE—Mr. Speaker : Gentlemen are certainly laboring under a great misconception in regard to this bill, and it might have been very properly read by the clerk again, as I very much doubt whether those gentlemen have themselves read it at all.

This is simply a project to raise money by the giving of public charity, individually and collectively. It does not call for the appropriation of a cent of money from the State, which gentlemen so eloquently, and very much to my astonishment, represent as in so impoverished a condition. That is not, allow me to say, the fact ; for Louisiana is as rich as any State in the American Union—or out of it, if you please.

The gentleman on my left conceives that the bill calls for a large appropriation from the State, which was the provision of another bill before this House at another time. This is not that bill. But this simply asks the privilege of organizing a board for the purpose of receiving and distributing a charity fund, which the members of that board will take measures to secure, from theatres, concerts, balls, and every other source from which contributions can be obtained.

The gentleman on my right thinks the passage of this bill will be a mere hollow compliment. I deny that assertion, as positively as I do that other of his, to the effect that there is no accumulating free school fund. These funds

are not lost, but are in the hands of men in rebellion against us, who have stolen it from our State treasury. The fund is represented by bonds, and these bonds must be and will be, returned to the State, for the simple reason that they are of no value to the parties who have them in possession.

I agree with all the gentlemen in regard to the impoverished condition of this State, just at the present time. But, will any gentleman dare say that, with ten millions of acres of the finest land upon the face of God's earth, our State can be impoverished? I tell you, no; while I must also say, that it will not be made one whit richer by the bill which has just passed this House, because, as the Senate, the governor, and your lawyers will tell you, it is unconstitutional, and thoroughly impracticable.

The simple question is, whether you will permit the people at large to contribute for the benefit of our State volunteers, even if you cannot feel yourselves able to do so? Will you not allow your governor, adjutant general, and others, who are to compose this board, to interest and exert themselves? The measure may be impracticable and hollow, but I don't believe it is so. I believe there is a spirit of patriotism in New Orleans, and enough of pride among our citizens, to give this fund such contributions as, perhaps, only a few expect at this moment. I believe that the fund is to be collected for a noble purpose, and in common with the other gentlemen who assisted me in forming the bill, are of the same opinion, without any doubt as to the efficacy of its provisions. Suffer us to try the experiment, even if it is a failure—as we do not believe it will be—for there is money enough afloat, and all practicable measures will be resorted to, to secure an amount sufficient to carry out the proposed object. We ask a board for the purpose of controlling this fund, that a report may be made to the next Legislature. The matter is to be placed in the hands of gentlemen in whom I have the most perfect confidence, and who will, as I believe, make to the next Legislature a report creditable to the State and interesting to our volunteer soldiers and their families, as well as to the community at large.

MR. BOUDREAUX—I thought there was an appropriation of a hundred thousand dollars provided, but find that I am mistaken in the bill.

The bill and its title were then adopted—Yeas 57, nays 3.

MR. VAN TROMP—Mr. Speaker: I move a reconsideration of the vote in relation to the "treasury note" bill, as I have ascertained it to be unconstitutional.

MR. SEYMOUR—I move to lay the motion on the table.

The motion to table was lost.

MR. FOLEY—Mr. Speaker: I believe that there are not many sound constitutional lawyers in this body, and it seems to me that the bill should now go to the Senate. If that body does not decide the question of constitutionality, the governor will. I, for one, do not believe that it is unconstitutional.

MR. VAN TROMP—My object in making the motion was to have the matter discussed.

THE SPEAKER—You will have time to call the matter up in the morning, and perhaps it would be better to defer it until that time, in order that gentlemen may have an opportunity of examining the question.

MR. VAN TROMP—I withdraw the motion.

The act to organize and establish free public schools throughout the State, was taken up, Hon. Mr. Laloire in the chair, when the debate upon Mr. Burke's amendment, to strike out that portion of the section relative to parish superintendents, was resumed.

MR. CHAMBERLAIN—Mr. Speaker : The gentleman, by his amendments, proposes to destroy the utility and efficiency of the whole scheme of education comprised in this bill, on the score of economy. Mr. Speaker, I have no adequate language at my command, to express the abhorrence and indignation I feel at the monstrous proposal, or of the man who would attempt to deny to the community the innumerable blessings which flow from the universal dissemination of knowledge, by a paltry consideration of dollars and cents.

I would refer the House to the report of Mr. Hamilton, school superintendent in 1859, for a full explanation of the failure of the school system of the State, after these offices of parish superintendents were abolished. His condemnation of such penny-wise-and-pound-foolish legislation is emphatic as it is just and undeniable. Then the parish superintendents received a salary of three hundred dollars, and received a commission of five per cent. on funds disbursed, which increased their salaries to five hundred dollars *per annum*. But we only propose to pay gentlemen, who shall hereafter hold this office, the sum of six hundred dollars—which is not half enough.

I will not consume the time of the House by reading, as I might, from many able reports, to prove that the parish superintendents are indispensably necessary to the carrying out of, and making efficient, a public school system. All that we wish to do is, to place our public schools upon the same basis as those of other States. They were so previous to 1852, according to the report of the superintendent of that year. It appears they were too flourishing, and were disseminating knowledge too fully for the long existence of slavery, and on that account the Legislature, which was composed principally of slaveholders, repealed the law by which parish superintendents held their offices, thus actually placing a clog upon the dissemination of knowledge among the people, for the purpose of holding them in the iron bands of slavery. They not only thus oppressed the blacks, but the white population, well knowing that slavery can only exist through ignorance, and where ignorance abounds.

I would call the attention of gentlemen to the statistics, in this connection. They show that in every other parish, excepting those of Orleans, Terrebonne

and Jefferson, there is an appalling discrepancy between the relative number of children who should, and those who in reality do attend school. Hardly one of the reports of the superintendents show that out of those children who are entitled to attend school, one-seventh did so, thus leaving the other six-sevenths to wander in ignorance. This does not only apply to the public, but, I can easily prove, to all other schools. Still the amount of money drawn from the treasury was amply sufficient, and in many cases largely in excess of expenditures of what was necessary to educate all, but the directors were actually too idle, or indifferent, or corrupt, to make the necessary exertion to secure teachers and properly manage the schools in their districts. I hope the discussion of this question will be allowed full scope, and not closed to-day, unless this subject is thoroughly understood.

MR. PRESCOTT—The gentleman has read you the opinion of one State superintendent—I will read another, on the same subject. Samuel Bard, superintendent of public education for the year 1858, says: "One fact which greatly contributes to this result is, that in some parishes the directors have not thought examinations of candidates necessary, and have appointed them without anything like sufficient evidence of their fitness. The appointment of parish superintendents might be made to obviate this, if it were rendered a part of their duty to see that no teacher should be employed who had not, either by examination before the directors or by himself, or at least by a certificate from the state superintendent, or other satisfactory credentials, fully established his capacity and worth. In my report for 1856, I particularly and earnestly urged upon you the advisability of providing for the examination of teachers, by a committee to be appointed by the state superintendent, in the event of parish superintendents not being created, and to the views there advanced, I respectfully ask you to refer."

The whole success of this system of public education depends on the parish superintendents. I will explain why. Under the old system, the parish treasurer had no duty incumbent upon him except the disbursement of the money. It was not incumbent on him to visit schools, examine teachers, or advise the directors. He was simply the depository of the school fund. How was it possible for the system to be successful, without an officer having these things for his duties? Suppose you should raise a military company, and put it into active service without a captain, letting it have merely a paymaster, who exercises no supervision, what would become of such a company? What service would they render the State? None, whatever. So with the school system; unless we can make the directors, teachers, and all interested in the school system, responsible to some one duly authorized, the whole system must be a failure.

I will read to you the duties of parish superintendents under the present system, and you will see how small the remuneration which we offer is, relatively. In fact, I think \$600 per annum too small; but, as a friend of econ-

omy, I do not wish to insist on its increase. A future Legislature, if it sees fit, may do so. Section 15 of the bill under consideration reads :

Section 15. *Be it enacted, &c.* That the parish superintendent shall be the depository of the school fund, which he shall pay out on the warrants of the directors of the various school districts of his parish. He shall notify the directors of each school district, every three months, of the amounts due their respective districts ; the said notification to be inserted once in the parish paper, or papers ; or, if none exist, he shall affix such statement to the door of the courthouse of his parish. He shall visit all the schools in his parish, at least twice during the year, examine their condition, and suggest such changes and improvements in the mode of teaching, or organization, as he may deem necessary. He shall form the parish into districts, each district not to contain more than forty, nor less than fifteen scholars, between the ages of six and eighteen years ; *Provided, however,* That the people of any neighborhood, who are not satisfied with the management of the district, having the minimum number of scholars required by this act to form a school district, may, on proper application to the parish superintendent, be constituted a school district, with all the privileges appertaining thereto ; *Provided,* they leave the district from which they were separated the maximum number of scholars required by this act to form a school district ; the limits and boundaries of the new school district to be determined by the parish superintendent, who shall enter the same in his statement, as hereinafter provided by this act.

You see his duties are onerous, and I do not think the remuneration we propose to give, too large ; in fact, it is a meagre compensation for the services proposed to be rendered. The great reform we claim to have made, I will explain, and it is utterly impossible to think of carrying it out without officers invested with such authority. I have had fifteen years' experience as a school teacher, and I claim to speak intelligently on this subject ; though I do not wish my *ipse dixit* taken, for you have all had some experience in school matters as heads of families, and besides, there are able school teachers present in this House, whose views I think will coincide with mine. The school system is generally admitted to be a failure in this State, and I have asked men the reason. Some have said, it is from the want of parish superintendents ; others, the general indifference of the people to the cause of education ; others attribute it to the negligence of the directors. I have discovered another cause, which I think is the real cause, and in which lies the great merit of this act. It provides against a similar failure occurring again. According to the old law, the police juries of the State of Louisiana had a right to district the parishes, and they did district them, but how ? I will give you my parish as an example. I have taught in six of the parishes, I found the system existing in all, so that the one in question will serve as a sample of the whole. My parish extends from the head of Little river to the mouth of Red river, having an extreme length of sixty miles and a breadth of from thirty-five to forty miles. How many school districts have we in this immense parish ? You would suppose from fifty to one hundred ; but there are only thirteen. Only thirteen in that immense parish.

I will explain how the system worked. Take the district in which I resided seven years, which was fifteen miles long and eight miles wide. We had two hundred and fifty scholars, according to the return of the parish treasurer and had nine neighborhood and nine schools, each having a sufficient number to constitute a school. Was the money used as intended? A certain set of gentlemen in the district got elected as directors, and, according to the old system, they had the right to designate the place where the election should be held, on the first Monday in October. Of course, they always called the election in their own neighborhood, and the people re-elected them, because they knew they would apply the funds of the whole district for their special benefit. How did they use the funds thus obtained? I will tell you. A certain 'squire was the real head and soul of the district, and I was his favorite school teacher, and taught these six years at a salary varying from \$75 to \$100 per month. He wanted none but competent teachers. Of course it was a profitable arrangement to me, and it was also a perfectly legal and fair one to all. At the same time, I saw the grievous hardships which it inflicted on other neighborhoods. The consequence was, the whole fund appropriated for the benefit of these two hundred and fifty children was expended on forty, and the other neighborhoods were without schools. One had no school for fifteen years. The State appropriated four dollars per year for each child, and supposed they got it—but they never did so. This state of things went on for a great many years, when the 'squire, in a sudden freak of generosity—such as people will have, where it costs nothing—determined, in his infinite condescension, to give another neighborhood a school. On drawing up a petition and presenting it, he was kind enough to grant it. But since that, they have had no school. This is too grievous a state of things to be borne. These children were American children, and entitled to the full benefits of American advantages and privileges.

There is a certain portion of the district on which my plantation lies, and I concluded to marry and go home and settle myself. As soon as I got home, people came to me asking me to teach the school. I told them I was willing to teach, provided the 'squire would give them the funds. I went to him and told him we had not had a school in the neighborhood for a long time and wanted one. He said he wanted me to teach their school; they were just about ready to commence, and had plenty of funds, and he could not grant the petition. I told him I would seek some other remedy, and was determined that my district should receive justice, even if all the other neighborhoods were excluded. I went to a member of the police jury, and he presented a petition from my neighborhood and two others. The jury granted the prayer, and we were set apart as a new district. I was elected school director, and organized the school and taught it.

We also had funds enough to give the other two neighborhoods a school, and up to 1860, each neighborhood had a school every year.

That district was admitted to be the best managed district in the parish and probably in the State. The remedy for the evil is, to form small districts, as proposed by this bill, not exceeding forty scholars, and let each neighborhood have the management of its own funds. Such a system cannot do wrong to any one.

Human nature is the same everywhere. The school districts all through the State have been constituted and administered in the same manner, for the benefit of particular neighborhoods, whereby nine-tenths of the people of the State have been cheated out of the education for which they have paid various taxes, and for which Congress, with the liberality which has always characterized it, made appropriations of valuable land. But this money has been squandered, and at the same time no State has a school system so miserable as this.

A great deal has been said about the negligence of directors. I would ask what right you have to impose, without a salary, onerous duties, under the old law, upon the directors? Three men are called on to manage a territory enough for a parish. If they were to manage it in a proper manner, and appropriate funds in every neighborhood, they would have to salary a clerk. They are planters, lawyers, etc., and can devote only a small portion of time to school purposes. Therefore, if they cannot devote the time that is required, they utterly neglect the whole, and thus the system has fallen into its present condition. You impose too much on them. What right have you to ask me to supervise the affairs of nine neighborhoods, each calling for schools? It is a duty I may not be able to meet, because my private engagements will not allow me to do so. The only way in which these grievances can be met, and fraud prevented, is to make the districts small, so that three men can manage it with ease, and appropriate the funds only for the particular neighborhood they live in; and not abuse and misappropriate the funds. This act fully provides for this. I will show you the necessity for a parish superintendent. The parish of Catahoula, divided into districts containing not more than forty scholars, will comprise from 75 to 100 districts. The parish treasurer, according to the old system, is obliged to do nothing but pay out the money; he performed no other duty. This act enjoins on the parish superintendent the re-districting of the parishes. It will take at least six months to perfect that portion of his labors. Then, if the districts are small, the inhabitants have a right to form into separate districts. Who is to perform this labor? The parish treasurer will not do it, because it is not incumbent on him to do so. I therefore say, if the office of parish superintendent is stricken from this act, the whole system is a gross failure, and a fraud on the people of this State, and, as such, I condemn it, and wish it to fail to the greatest extent.

MR. BURKE—The gentleman seems to have lived in an unfortunate section of the country. But I am astonished at his acknowledgment of sanctioning

a wrong during almost the whole time, for he seems to have been aware that he was doing wrong; yet, being well paid for it, he still continued at the same practice. All the opposition I made to the bill was, that I did not wish to spend the money of the State foolishly. I do not wish to place any unnecessary tax on the people. It is proposed to vote away \$35,000 a year to employ parish superintendents, in order to rectify what is called a wrong. The whole system of public schools has always worked well, and we have got along well with it. The bill proposes that forty scholars shall constitute a district, which will require two school-houses, instead of one. There is only one objection to this proposition, and that is, that it absorbs a large amount of the money of the people.

MR. PRESCOTT—A great deal has been said about the expense of the two different systems—

MR. CHAMBERLAIN—The gentleman is out of order. Mr. Burke has the closing of the debate.

The question then came up on the adoption of the amendment of Mr. Burke, striking out the office of parish superintendent.

MR. FOLEY—I move to lay the amendment on the table.

Carried.

MR. BADGER—I move to amend, by striking out "March term," and inserting "first term in each year," making the section read: "There shall be appointed by the police jury of each parish, at their first term in each year, a parish superintendent," etc.

Carried.

On motion, the House then adjourned until 12 m., Thursday, December 15.

THURSDAY, December 15, 1864.

The House met pursuant to adjournment, when, prayer being offered by Rev. Mr. Chubbuck, the minutes were adopted as read.

A petition was presented from the German Society, praying an exemption from taxation of certain lands belonging to the association.

MR. MICHEL—I move that it be referred to the Committee on Charitable Institutions.

MR. FOLEY—Mr. Speaker: I don't understand what that committee has to do with the matter. Certain lands are exempted from taxation, both under the City Charter and State laws. There is a substitute now before this House in regard to this very subject, in which will be embraced all property to be taxed and to be exempted from taxation. I don't think this House can take any action upon this matter, at the present time, but that it will properly come before the House when the bill referred to comes up for review. I, therefore, move that the petition be laid on the table.

The motion to table was lost.

MR. FOLEY—This should be referred to the Committee on Ways and Means.

MR. HARNAN—Mr. Speaker: The property referred to has never been taxed heretofore, and the society simply wish to have that status continued.

MR. FOLEY—I move it be laid on the table subject to call.

MR. SEYMOUR—Mr. Speaker: I am in favor of referring the petition; then, if it is favorably reported on, let a bill exempting the property from taxation be introduced. By referring it to a committee, an investigation, as to the merits of the case, can be made.

MR. BOVEE—I don't see, Mr. Speaker, that it makes any difference in regard to the committee to which this bill is referred, as the only object in referring it at all, is to ascertain whether this property should be exempted from taxation.

The motion, to lay on the table subject to call, was lost, whereupon the petition was referred to the Committee on Charitable Institutions.

Mr. Van Tromp presented a memorial, inquiring whether the members of the House have the franking privilege, and if so, that the chairman of the Auditing Committee be requested to explain why the committee refused to pay the account of the postmaster.

THE SPEAKER—I will state to the gentleman that I am perhaps as little conversant with the subject of the franking privilege as any member of the House, but will make it my duty to investigate the matter, and inform the House in relation to it on the morrow.

A petition was read, signed by twenty-three inhabitants of the parish of Terrebonne, requesting that the portion of that parish north of the New Orleans and Great Western Railroad, be annexed to the parish of Lafourche.

MR. BOUDREAUX—That, Mr. Speaker, is the petition to which I referred at our last session. I hope that the House will now allow me to present again my bill.

MR. PRESCOTT—I move the rejection of the petition.

MR. BOUDREAUX—I would like to have the gentleman explain his motion.

MR. PRESCOTT—Mr. Speaker: So far as this matter is concerned, I know nothing about it; but I do know that it is proposed to take from the parish of Lafourche about one hundred square miles. Now that is, as I see by the map, a small parish, and if this amount of territory is taken from it, look at the grievous burden of living in the remainder of that parish, in obliging them to support their parish organization. If it is only ten miles square, a parish must have and support all the officers required in any, even the largest one. If the people of Lafourche are in favor of the proposed change, I have, of course, no objection; but to effect it without their consent would be most essentially wrong.

I know, that in my own parish an attempt has been made to set off that portion of it comprising the most extensive plantations and three-fourths of its wealth, to the parish of Concordia, thus leaving the remainder of it—

consisting for the most part of pine lands and poor soil—to support the parish organization. We have resisted that attempt successfully, and I have referred to this illustration, because I believe the present to be a parallel case, for it is a fact which cannot be stated too often, that no matter how poor or small a parish may be, it must bear the same expense as any other parish, in order to have a perfect organization.

I believe it is the intention of the gentleman to present to this House a petition from the citizens of the parish in question. Until he does so, I think further consideration on this question should be postponed, that we may understand the popular wish. If it then appears to be in favor of the proposed change, I shall be ready to acquiesce in it, as I have no doubt the House will do so the same.

MR. MICHEL.—**Mr. Speaker**: The gentleman has got the cart before the horse. He objects that the parish of Lafourche is a small one. On the contrary, it is a very large one, and is represented on this floor by three representatives, while the parish of Terrebonne has only two. These citizens wish to be annexed to the former parish, simply because it will be more convenient for them, on account of the distance of their present court-house. If the people wish this, I don't understand why outsiders should oppose the movement.

MR. BOUDREAUX.—**Mr. Speaker**: I am sorry to hear a gentleman [Mr. Prescott], who commences his speech by saying that he knows nothing about the bill, make the assertion that it proposes to take from Lafourche one hundred square miles. In the first place, the land is to be taken from the parish of Terrebonne; and, in the second place, it is ten square miles only which are to be subtracted therefrom.

As the case now stands, the people must travel some fifteen miles in order to reach a courthouse; remain there at Houma for some time; pay their board during that time, besides supporting their horses, which is the secondary item, as the animals must be taken from the labors of the farm—thus seriously inconveniencing agricultural pursuits. Under the proposed arrangement, gentlemen can go to court, transact their business, and return to their homes and families with hardly any appreciable loss of time. As the people do, to a man, desire this change, I cannot conceive why the gentleman should object—in which objection, however, I do not believe the House will sustain him.

The motion to reject was lost, and the petition referred to the Committee on Parochial Affairs.

The Committee on Internal Improvements reported favorably on the bill to incorporate the Lafourche Land Improvement Company, recommending immediate action.

Mr. Chamberlain: An act relative to the adjournment of the General Assembly for 1864.

Mr. Burke : An act to relieve persons owing moneys previous to the war.
 Mr. Riggs, in behalf of the Judiciary Committee : Acts to repeal articles 103 and 4 ; also to amend articles 4, 6 and 7 of the Code of Practice.

Mr. Christie : An act to defray the expenses of presidential electors.

An act to define the duties of State tax collector, was read the first time.

The rules were suspended to admit of reading the bill for the second time, after which it was referred to the Committee on Ways and Means.

The vote rejecting the bill for change of boundaries between the parishes of Lafourche and Terrebonne, was reconsidered, the rules having been suspended, after which it was adopted on first reading, when a motion to suspend the rules and put on second reading was lost.

Mr. FOLEY—Mr. Speaker : I call for a suspension of the rules, in order to take up the " revenue " bill, as it is necessary that some bill of the kind should pass, before the adjournment of the present session.

Mr. CHRISTIE—Mr. Speaker : The printed copy of the bill has just been laid upon our desk. I cannot conceive that there is any need for such hasty legislation as the gentleman favors. I think the bill should at least be deferred until to-morrow, that we may have an opportunity of examining it, for which reason, I shall vote against the suspension of the rules.

Mr. MICHEL—Mr. Speaker : On yesterday the report of the committee on Judiciary was made the special order of the day, but on account of the suspension of the rules, could not be taken up. I shall now oppose any suspension of the rules until that report is taken up.

The motion to suspend the rules was lost.

Mr. FOLEY—I move that the bill be made the special order of the day for Monday next, in preference to all others.

THE SPEAKER—The bill properly comes before the Committee of the Whole.

Mr. CHAMBERLAIN—Yes, sir ; it must be discussed there before it can be made the order of the day.

An act for the relief of the State library, was adopted.

An act relative to the attorney general, was read.

Mr. BAUM—I move that be rejected, as it is a copy, word for word, from the old law.

Mr. DEJEAN—Mr. Speaker : I presented that bill in behalf of the Committee on Judiciary, in simple compliance with, and pursuant to, a resolution passed by this House.

Mr. CHAMBERLAIN—The Senate has adopted the plan, Mr. Speaker, of throwing out all bills which now appear on our statute books, and I think it is just as courteous for them to do so, as it is senseless for us to persist in passing them to that body.

Mr. FOLEY—I think, Mr. Speaker, that the resolution in question applied only to the laws in contravention with the present constitution, which this one clearly is not.

The bill was withdrawn.

The school bill, section 5, was taken up.

Mr. Harnan amended the section by inserting after "police jurors of each parish," where they first occur, the words, "in the State," which amendment was carried, and the section therefore adopted.

MR. BADGER—Mr. Speaker : One hundred and fifty copies of this bill were ordered to be printed, but I understand that only half of that number have been sent to the House. Many members have no copy, and I would like to know why the full number has not been furnished.

THE SPEAKER—The sergeant-at-arms informs me that your statement is correct, sir, and I have experienced great difficulty in obtaining a copy for my own use. I will send for the balance immediately.

MR. CHAMBERLAIN—I move that the subject be postponed until every member has been furnished with a copy of the bill.

MR. TULLY—I move the motion be laid on the table.

The motion to table was lost, and the previous motion thereupon adopted. A motion to adjourn was lost.

An act relative to sureties on individual bonds, was adopted on second reading, whereupon the rules were suspended, and it, together with the title, adopted on third reading.

An act relative to the fees of the Sixth Justice's Court constable, from the Senate.

MR. MICHEL—Mr. Speaker : That bill was reported on unfavorably by the Committee on Judiciary, as being already upon our statute books.

The bill was rejected.

An act for the election of register of conveyances for the parish of Orleans, right bank.

Section 2 was amended so as to oblige the party elect to furnish good and solvent security in the sum of five thousand dollars, and the bill thereupon adopted.

The House then adjourned until 12 m. of Friday, the 16th inst.

FRIDAY, December 16, 1864.

The House met pursuant to adjournment, at 12 m.

Prayer was offered by the Rev. Mr. Hopkins.

The minutes of yesterday were read and approved.

The speaker stated that the bill adopted yesterday, relative to sureties on individual bonds, had been reported on unfavorably by the Judiciary Committee, and adopted ; so that the bill was taken up by mistake.

MR. CHAMBERLAIN—I move a reconsideration of the vote.

Carried.

MR. SEYMOUR—I now move to reject the bill.

Carried.

Mr. Laloire offered the following :

Whereas, The law books purchased for the use of this House have been distributed among certain members ; and

Whereas, Other members have no access to said books ; therefore, be it

Resolved, That the sergeant-at-arms be authorized to purchase, for the use of this House, ten copies of the Code of Practice, ten copies of the Civil Code, and ten copies of the Revised Statutes.

MR. FOLEY—I move to lay it on the table.

Lost.

MR. SEYMOUR—As far as the Civil Code is concerned, the sergeant-at-arms will inform the gentlemen who have those now in the House, as he has receipts for them. I have one copy for the use of the Judiciary Committee. If gentlemen desire the Revised Statutes, they will find them in the State library.

MR. LALOIRE—We know the books are there, but we have not access to them.

MR. BOVEE—I cannot understand, by the resolution, who the books are intended for. Ten copies, even in addition to those already on hand, will not be sufficient for all the members.

MR. CREIGH—I would like to know what right members have to keep the copies in their desks. They belong to the House, and not to them, but they will not loan them.

MR. FOLEY—I move to postpone indefinitely.

MR. EGAN—I move to lay the motion on the table.

Lost, and also the motion to postpone.

MR. FOLEY—I move to lay it on the table, subject to call.

Lost.

MR. BURKE—I move that every member be furnished with a copy of each.

MR. SEYMOUR—The gentleman opposed the office of parish superintendents of education, on the ground of economy, but wishes to expend some \$900 for books which, if necessary, can be found in the State library—and is, I think, hardly consistent.

A motion to table the amendment was lost.

MR. FOLEY—I move to amend by purchasing the copies, if they can be had for not more than \$6 each.

MR. EGAN—I move to lay the amendment on the table. The gentleman knows the books cannot be had for the money.

Carried.

MR. HARNAN—I move that each member pay for the copies from his *per diem*.

Lost.

MR. FOLEY—I believe the motion to table my amendment was lost. I move its adoption.

THE SPEAKER—The chair decides that the amendment was tabled.

MR. FOLEY—I appeal from the decision of the chair.

The chair was sustained by the following vote: Yeas 51, nays 13.

MR. FOLEY—I move that the resolution be made the special order of the day for the first Monday in January.

Lost.

The motion to adopt the amendment of Mr. Burke, was lost, and the original resolution adopted.

A report from the committee appointed to confer with a like committee from the Senate, in regard to a bill relative to justices of the peace, stating that a substitute had been offered in the Senate, was read.

The following gentlemen gave notice of the introduction of bills:

Mr. Badger: Amendments to the act relative to pilots at the mouth of the Mississippi river.

Mr. Boulogny: An act to create two sheriffs for the parish of Orleans, and define their duties.

Mr. Baum: An act relative to prescriptions.

MR. VAN TROMP—I move a suspension of the rules, to reconsider the vote repealing the bill for the relief of the Ladies Charitable Association of Baton Rouge. I would state for the information of the House, that these children are in indigent circumstances, and suffering for the necessities of life. I trust the sympathies of the members of this House will be enlisted in their behalf.

Carried, and the bill adopted on its first reading.

Acts to amend articles 1661 and 1662, 1014, 1202, 1332, 1365, 1785, 3143, 3144, 3145, 3146, of the Civil Code of Louisiana, were read the first time and adopted.

An act to repeal article 1783 of the Code of Louisiana, was read a first time and adopted.

The following bills were read second time, adopted, and ordered to be engrossed for a third reading:

An act to amend article 3465 of the Civil Code of Louisiana.

An act to provide for the election of State tax collector in and for the parish of Jefferson.

An act relative to absenters.

An act relative to judicial advertisements.

The Hon. Mr. Chamberlain was called to the chair.

MR. FOLEY—I move to strike out the word "French" in that bill, wherever it occurs. My reason for this motion is, that we have already passed a bill which prohibits such publication in that language.

MR. LAJOIE—I would inform the gentleman, Mr. Speaker, that the bill to which he refers has not yet passed the Senate. When it does, it will be time enough to consider this matter.

MR. LEWIS—Mr. Speaker: I agree entirely with my friend, (Mr. Foley,)

as this bill will obviously conflict with that of which he speaks. I move to strike out all that portion of the bill which refers to any other language than that in which the constitution is written.

MR. MICHEL—Mr. Speaker: The Senate has not yet passed the bill to which the gentleman refers, and I guarantee, moreover, that it will not be. I insist upon the adoption of the bill, as reported.

The motion to table was declared carried—yeas 29, nays 26—amid cries of “no quorum,” and “move to adjourn.”

MR. CHRISTIE—Mr. Speaker: Before the motion to adjourn is put, I wish to ask leave of absence for our esteemed speaker on Monday next, on account of most imperative and urgent business.

The request was granted.

MR. BOUDREAUX—I move, Mr. Speaker, that the gentleman from Orleans (Mr. Christie) be appointed speaker *pro tem*.

The motion was carried, and thereupon the speaker *pro tem* declared the House adjourned until to-morrow, Saturday, when several members requested him to change the announcement of the day of next session to Monday.

THE SPEAKER—No motion was made to adjourn until Monday.

MR. POYNOT—According to a resolution passed some time since, the House, when adjourning on Friday, adjourns until the Monday following.

The House was thereupon declared adjourned until 12 M. of Monday, the 19th inst.

MONDAY, December 19, 1864.

The House met pursuant to adjournment, Hon. D. Christie in the chair, when the minutes were adopted as read.

The speaker *pro tem* asked to be excused from attendance during the session, and the Hon. P. Harnan was called to the chair.

A resolution to appoint a committee to inquire into the affairs of the Land Office, was declared adopted, and the committee of three thereupon appointed.

MR. MEEKS—Has that resolution been carried, Mr. Speaker?

THE SPEAKER *pro tem*.—Yes, sir, it has.

MR. TODD—I have not voted, and am not aware that the resolution has passed.

An appeal was then taken on the question, which resulted in the sustaining of the decision by the chair.

The clerk proceeded to read a memorial from certain colored men relative to National Rights Leagues, addressed “To the people of Louisiana.”

MR. SEYMOUR—That is not addressed to the House, Mr. Speaker, and I therefore hope it will not be read.

MR. LASTER—I agree with the last gentleman, and have only to say, that whoever wishes to present any petition to this House, must address it in a proper manner.

MR. BADGER—I move the rejection of the petition.

MR. FOLEY—It has not been read yet, how, then, can it be rejected?

MR. BOUDREAUX—I move, Mr. Speaker, that the title of the petition be changed.

MR. LASTER—I move that it be referred back to the party presenting it.

MR. TODD—It should be read first.

THE SPEAKER *pro tem.*—I understand that the petition is addressed to the chair. That being the case, it should be first read and then acted upon.

MR. BOUDREAUX—I withdraw my motion then, and hope the petition will be rejected.

MR. CHAMBERLAIN—Mr. Speaker: The document is not properly addressed, and hence comes neither under the head of petitions, memorials or resolutions. All our proceedings thus far are out of order. The only measure necessary is to simply decide the document out of order.

MR. SEYMOUR—As this seems to be “confusion worse confounded,” I move we do now adjourn.

MR. LASTER—I move we take a recess of an hour.

The motion to adjourn was declared carried—yeas 38, nays 27.

TUESDAY, December 20, 1864.

The House met, pursuant to adjournment.

Messrs. Marie and Evans presented a statement, that a petition was being drawn up by the people of that district against any change being made with regard to the boundary line between Terrebonne and Lafourche.

The report of the committee in regard to state printer, cleared him of any peculations—Senator A. C. Hills dissenting.

The report of the committee in regard to the late sergeant-at-arms, censuring him and other parties, was received.

Mr. Prescott gave notice of his intention to introduce a bill entitled “An act to compel certain banks of the city of New Orleans to go into liquidation, and provide ways and means to withdraw the interest of the State in the same.”

MR. MICHEL—I move a suspension of the rules, to offer a bill incorporating the First German Evangelical Lutheran Church of the city of Jefferson.

Carried, and the rules suspended, and bill adopted on its second reading and ordered to be engrossed.

MR. BURKE—I move a suspension of the rules, to take up a bill relative to branch pilots, on its second reading.

Carried, and the bill adopted, and ordered to be engrossed. By a further suspension of the rules, the bill was put on its final reading.

MR. CREIGH—I move it be tabled.

Lost, and bill adopted.

MR. CREIGH—I move to reject the title.

Lost.

MR. SEYMOUR—I move a suspension of the rules, to take up the bill relative to creating the office of register of conveyances, on its final reading.

The motion was carried, whereupon the bill was read the second, and the rules having been again suspended, the third time, and adopted with its title.

The Senate bill, providing for the payment of documents furnished by the register of the land office, was put through three readings and finally adopted, with its title—the rules having been suspended.

The bill relating to defining the boundaries between the parishes of Terrebonne and Lafourche, was read and referred to the Committee on Parochial Affairs.

The Senate act, to amend "An act relative to the General Assembly," came up.

MR. HARNAN—Mr. Speaker: I move the bill be rejected. The president of the Senate receives a salary of \$5000 per annum, as provided for in the constitution, which is the largest compensation paid by any of the States of this Union for similar services, and is equal to the salary of the vice president of the United States. Limiting the sessions of the Legislature to sixty days, the president of the Senate is paid \$83 33 $\frac{1}{3}$ for every day's services he renders to the State. That functionary, instead of being at his post attending to his duties, is absent, not on business of the State, but on his own private matters; and I understand, without even the form of a leave of absence from the Senate. The amendment proposes to charge the State eight dollars per day for a president of the Senate *pro tem.* for performing the services of the lieutenant governor. In other words, the State is to pay twice for the same services. If such a precedent is established, I consider that the judges of our courts or any other State officers are entitled to the same privilege. You, yourself, Mr. Speaker, might take a pleasure trip to the North and would be entitled to draw your pay at the same time. The State treasury is not in a condition to dispense such liberality. I therefore, move that the bill be rejected, and if the gentlemen who have acted as president *pro tem.* of the Senate think their services not sufficiently compensated at eight dollars per day, let them apply to lieutenant governor Wells for an increase, whose sense of justice and well known liberality forbids the idea that he would permit the State to pay twice for the same services, which it is his duty to perform.

The Secretary of this House might, with just as much propriety, absent himself, and appoint a substitute in his place, to receive the same salary as himself—thus obliging the State to pay salaries for two clerks.

I wish these remarks to be spread on the minutes, as my protest against the adoption of a bill which proposes any such measure.

MR. CHAMBERLAIN—Mr. Speaker : I move to amend by striking out that portion of the bill relating to the President of the Senate.

THE SPEAKER—I merely wish to remark, that I do not understand how this bill got before the House.

MR. FOLEY—I would state, Mr. Speaker, that this bill passed the House, and was approved by the governor, being so amended as to entitle the president of the Senate to the same salary as the speaker of this House.

MR. CHRISTIE—Mr. Speaker : As the president *pro tem.* of the Senate is discharging the duties of the lieutenant-governor, during that gentleman's absence, I think it would be no more than right that he should receive the pay the time of his absence. I believe that he is clearly entitled to it, and think it no more than right for the House to allow the speaker *pro tem.* of the Senate the same *per diem* which it does its own speaker.

MR. BROOKS—Mr. Speaker : I shall vote for the rejection of this bill, because, although I think the president *pro tem.* of the Senate is entitled to extra pay, I think that it is due from the person whose place he is at present filling—that is, the lieutenant-governor's.

MR. TODD—I agree with the gentleman who first spoke [Mr. Harnan], Mr. Speaker, for two reasons ; first, because I don't think we should be taxed a dollar more ; and, secondly, because I don't think the president *pro tem.* is worth eight dollars a day.

The bill was rejected—yeas 49, nays 16.

MR. FOLEY—Mr. Speaker : I move the rules be suspended in order to take up the act to incorporate the Bayou Lafourche and Mississippi Land Improvement Company.

MR. BOUDREAUX—I move that a hundred and fifty copies of the bill be printed.

MR. BRECKENRIDGE—I move the rejection of the bill.

MR. CHRISTIE—Mr. Speaker : I move it be taken up section by section, as I don't believe in this wholesale way of doing business, especially when such a bill as this, which proposes to charter away the lands of Louisiana, is before us.

MR. PEARSON—I move the adoption of the bill.

MR. PRESCOTT—Mr. Speaker : There seems to be a great desire on the part of some gentlemen who have no right to the floor, to monopolize it.

This bill is one of the most important that has ever been introduced in this or any other legislative body within this State. It proposes the reclamation of our richest and best soil, which never can be reclaimed by private enterprise or be made available by any other means than through the persevering efforts of a company, backed by heavy capital and the most perfect engineering skill. In order to sustain this position, it is necessary to state that this same land has been constantly offered for sale, during the last hundred and fifty years. The French government first did this almost as soon

as it came into possession of it, and the Spanish government did the same, during the short time in which they occupied the country. When the United States extended its authority over this same territory it followed the example of its predecessors, and from that time to this the tracts in question have been in the market, but have never found purchasers. Why is this? Let us look at its character; as far as soil is concerned, that is alluvial, inexhaustible and capable of producing the fruits of almost every clime, but has not a settler upon it, as I ascertained when visiting it a few days ago in company with a friend. Why is this, that this, the richest portion of our State, in agricultural point and offering the greatest facilities for navigation, has never been brought under cultivation? The simple reason is, that the greater portion of it is under water and can by no possibility be reclaimed, except by such high engineering skill and heavy capital as can be controlled by large companies. Now then, if this bill is rejected—to use the language of our esteemed friend, Mr. Gorlinski, our land register, who spent more than a year in surveying it, which language I will endorse—if this bill is rejected, this land which *might* be made a source of almost incalculable wealth, will remain unreclaimed for the next two hundred years at least.

In the opinion of some engineers, this country is irreclaimable; but Mr. Gorlinski thinks that, with the expenditure of half a million of dollars, it can be perfectly—or nearly perfectly—restored to that condition which is so highly desirable. If this company succeeds in carrying out its projects, it will throw open to cultivation five hundred thousand acres of land of unsurpassed fertility, which will then be soon clothed with fields of rice, cane, cotton, and all the staples of our country. Should it succeed in carrying out its plans, it will, by mere force of effecting its object, increase immensely the wealth and consequent revenue of the State; offer a home in a most salubrious climate, and on an inexhaustible soil, to all those families who now have none, (who will eagerly embrace the opportunity,) and make this desert to bloom and blossom like the rose.

From the character of the soil—as described by those gentlemen who have personally surveyed it—the reclamation of it would confer an almost incalculable benefit upon our State at large. That it might enrich private parties, may also be true; but if these men do reap liberal dividends, we must bear in mind that they richly deserve to reap liberal dividends, if they at the same time benefit the community at large to the extent which they inevitably must, on accomplishing the end proposed. They can probably bring seven hundred and fifty thousand acres of land under cultivation, complete a chain of canals from the Mississippi to the Gulf, and will unquestionably confer a great benefit upon the State by so doing.

This bill has been drawn up on the basis of another bill, which asked of this House some very unusual privileges and injurious power, inasmuch as that bill did not obligate the company it proposed to form, to complete their work,

or not to collect the tax in case it proved a failure. I, therefore, rejected that as a fitting model for this bill, and if the company does not succeed in reclaiming these vast and now useless tracts of land, it is their own loss; but if they do, the great influx of large and small property holders, anxious to occupy such valuable alluvial soil, will increase the revenue of the State to a most material amount.

The present condition of this country it is needless to describe. I asked a gentleman, acquainted with the land, while conversing with him, a few days ago, as to what was its character and productions. He immediately replied, that the land was for the most part water, and the products thereof bull frogs and malaria. "But, sir," said I, "can it be settled?" and his reply was, "Oh, yes! certainly! It can be settled by alligators and rattlesnakes!" That is not a very flowery description, certainly, and although my friend undoubtedly wished to be facetious, there was running through and underlying his conversation a decided substratum of truth. The fact is, that the richest land of our State is of this very character, and that it is only the comparatively thin and valueless part of it can be put under immediate cultivation, simply because the most valuable portion is as yet under water, and can be reclaimed only by an immense outlay of capital, backed by American engineering; for to engineers who carry their railroads over the Alleghenies, bridge Niagara, and erect such stupendous spans as that which, in the aggregate, reaches nearly three miles, in the north of our continent, we may well say, that nothing is impossible, and that the reclaiming of Louisiana swamp lands will be to them no insurmountable undertaking.

It must be acknowledged, that this company is composed of men of such capital, and of such liberal and enlightened views, that they will, in good faith, perform everything undertaken in this charter. Their names are, alone, sufficient to prove this. In this connection I may be allowed to state, that I am in favor of all land improvement companies, and of all such plans and projects as will render available the resources of our State, because I believe that it is only through their instrumentality that such a desideratum can be obtained. In my own country, there are now immense tracts of the finest of land waiting for just such companies as this, and which will continue to remain undeveloped, and comparatively worthless, until the requisite capital and skill is applied for their transformation. When this company is formed at length, and accomplishes what we sincerely expect of it, I doubt not that similar companies will be organized by other parties, who will still further develop the resources of this our cherished State.

Mr. LEWIS—I move that a hundred copies of this bill be printed, and it be made the order of the day for next Friday.

Mr. BORDREAU—I am sorry to hear the gentleman (Mr. Prescott) support the bill, and I do not believe he understands the country as well as I do. As for my part, I have found these large companies to be a curse to the State.

For instance, the Barrataria Canal Company, which existed in the parish of Terrebonne, has done more injury to the parish than any other thing that could have been organized; for they made no attempt to carry the waters out into the gulf. These companies only consider their own benefit, and tax the poor people, who have made no crop for a number of years, for the pretended drainage of the land. I defy any company to drain that portion of the country. I have hunted over the whole of it, and am therefore well acquainted with it. This company will make a dry canal, and then make a report, setting forth what they have done, and the country will be taxed in consequence. The planters have more land than they need. The gentleman can get three or four plantations, by planting them, and not one-half of the land will be cultivated this year.

MR. BROOKS—The gentleman who has just spoken is mistaken in regard to the taxation of the planters around these tracts of land. The bill does not give the company that power. It merely gives them the power to reclaim certain land for their own use, but denies them the privilege of taxing any other land that may be reclaimed by their improvements. The gentleman is entirely mistaken as to the nature of the bill. I am in favor of the State granting a company the privilege of reclaiming land, and in favor of organizing all such companies; for I think it is the best plan to reclaim the swamp lands belonging to the State. The State has spent large sums of money in trying to reclaim land, and failed in every instance.

Look at the expenditure on Cat Island. That land cost eight dollars per acre, and when it was reclaimed, it was sold for the small sum of one dollar and twenty-five cents per acre. If we can have the land reclaimed by private enterprise, the money can go for other purposes. The swamp lands were given the State by the United States, to reclaim; and if we allow private individuals to do so, we may dispose of the money as we please.

MR. CHRISTIE—Had one of the members of this House lived for a century, and observed the great prosperity of the people of Louisiana, he would have found the stirring representations of the gentleman who has addressed this House worthy of consideration. But, sir, he might as well undertake to tell us that there is no waste land in Louisiana, as to tell us that it is so extremely necessary, just at this juncture, to dig a canal and let the waters out of the malarious country that lies to the west of us. Is there no land in Louisiana that is susceptible of cultivation—that you can apply to the purposes of life—that you can make bloom and blossom as the rose, and add to the wealth of this State? Is it necessary that you should take, at this present time, these waste, uncultivated and miry lands? Where is the necessity, when it is a well-known fact to all, that there are thousands and millions of acres right at your hands, ready for the plow and cultivation? But you say, we will improve these waste lands. That is very well. I have known, in my experience, that sometimes chartered corporations have made and perfected

improvements ; but, sir, I have to see the very first particle of necessity, in the present case, for deeding away to this company, without fee or reward, for ten years or for one hundred years—as the charter calls for—the lands of Louisiana, which, although they lie under water, and are infested with the frog and the crocodile, are the wealth of Louisiana. They will come under cultivation soon enough for all practical purposes. They are a treasure to your children and mine, and we should see that they are not deprived of their right at this or any other time.

Let us take a view of the condition in which this bill has been brought forward to the members of this House. The first bill which I had before me was a very different one from the present. The first bill called for the most tremendous tract that had ever been given to any chartered company, at any rate, to any within the State of Louisiana. These gentlemen approached this House and thought to grasp, at one stroke, the priceless property, which gentlemen on this floor are so eager to make you believe are only fit for the frog and crocodile. You should know the value of this property. It is not a matter of value to-day only, but for all future time. The government of the United States, with the most commendable liberality, placed this land in your possession. It has been used for the purpose of contributing to the general fund of the State for the education of your children. This is not an article that will spoil on your hands.

The bill comes to us again, curtailed of its fair proportions and presents a much less grasping spirit and a much less spectral system of plunder. A bill was laid on the secretary's desk in manuscript, by certain gentlemen, who, from the incipency of this bill, ought to have changed their views entirely. But I shall not change my views. I am not to be bought or to be sold.

MR. MICHEL—I call the gentleman to order ; he is getting personal.

MR. CHRISTIE—If the matter applies to the gentleman, personally, he is welcome to take it. I am speaking generally. I am not going to New York to speculate in Louisiana stock-jobbing land operations, and therefore have no fears and no favors to ask in respect to this bill, or the movers of it. If the gentlemen will show me a practicable method by which they will render to this State, something in comparison to the great profit and the great power and wealth which they demand of us to virtually give to them, I will accede, perhaps, to their wishes ; but I see nothing in this that is changed ; nothing that strikes the sensible eye of the community that these gentlemen are going to prevent the cutting of timber off your public lands. Your timber to-day, which gentlemen tell you very liberally, they will give you \$1 25 per acre, is worth \$10 00 per acre to-day, for I have lived forty-five years and acquired experience in the value of such an article. Is it a matter of necessity then that you should get rid of this land, put it out of your hands, on the representation that there is no land in Louisiana fit for cultivation ? I deny that such a condition of things exists. We have thous-

ands of acres and are likely to have more. Why then this exceedingly sudden determination to thrust this bill through the House?

The gentleman has read us from the reports of surveys of Louisiana for the past few years. The surveyors are a credible set of gentlemen, and have given us evidence of great engineering skill, and there can be no question that it was very edifying to Louisiana to read the reports of these engineers. A gentleman assures you that there is no task which the skill of the American engineer cannot wholly overcome. I believe it, and therefore the more dangerous is the question presented to you. When the time comes, that there is no land adjacent to the city of New Orleans that you can place under cultivation to supply your markets, it will be time enough to employ this wonderful lever—this dangerous skill of the American engineers. I assure you, I believe that if you made it their duty, they would bore a hole through the bottom of the Atlantic Ocean—but that is not the question. Why should we give this company, to-day, such a vast grant of land? Here is a bill, by which they seek to dig a canal of a certain width, and to raise draining machinery on the banks. They do not even assure—as gentlemen would who come forward with a proposition of this kind, which they intend to act properly about—they do not even tell you they shall do thus and so. They may raise a draining machine on the banks of the Mississippi, and draw the water out of the woods, so they can get in there and cut away the timber.

That able engineer, whom no man respects more highly than I do—Mr. Gorlinski—has shown you, in his report, that this plan is feasible and practicable; but not during this Legislature, nor for ten years to come, will you be called upon, by any manner of necessity, to perpetrate an act of this kind. This is the wealth of your State. If you husband it, it will benefit you in the great future which is before Louisiana. A member has told you that these chartered corporations are doing a great injury to the people of the parishes. It may be so; and if true, it is another reason why you should not be hasty in granting these privileges. The grant these gentlemen ask for—one hundred years—is too long.

I take it for granted there is nothing in this bill worthy of consideration, and these gentlemen have acted improperly. I have requested, if they brought forward a bill, they would act fair and just, and place the bill before the House in such a manner that the members would be satisfied that the interests of the State had been considered. On the contrary, they have thrust before you a manuscript bill, which has already cost the State something; but that is of no consequence. The House courted the right of understanding this bill fully, and I say it is due the gentlemen of the House that they shall allow the freest and fairest discussion, and when the bill comes before the House in a proper shape, with all the clauses sufficiently explained, so that we can see some small degree of benefit to the people of the State.

Hereafter, in connection with any grant of privileges to chartered corporations in this State, to satisfy me as a citizen of the State, and a legislator, these companies must engraft, in the provisions of their charter, that they will build a public road, accessible to all men, immediately adjoining their canal, or railroad. At another time I will enter more lengthily into the discussion of this question, and show the absolute necessity of this provision.

MR. BOVEE—I move that the further consideration of this bill be postponed until next Monday, and 100 copies printed.

MR. PRESCOTT—I move to lay that on the table.

Carried—yeas 35, nays 28.

On motion of Mr. Pearson, the House then adjourned until 12 M., Wednesday, December 21.

WEDNESDAY, December 21, 1864.

The House met pursuant to adjournment.

Mr. Foley offered the following resolution :

Resolved, That the warrant clerk of the House of Representatives be and is hereby instructed to issue a warrant in favor of Ed. Moore, clerk of the Committee for the Investigation of the Contingent Expenses of the Constitutional Convention, for the sum of one hundred and ninety dollars (\$190) said amount being for services rendered as clerk of said committee from November 12th to December 19, 1864, inclusive.

The resolution was adopted.

Mr. Prescott presented a joint resolution relative to an additional \$8 per day to the Hon. C. W. Boyce, president *pro tem.* of the Senate, which was laid over.

Mr. Burke offered the following joint resolution :

Be it resolved by the honorable Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That all loyal persons owing moneys upon mortgages previous to the now existing troubles, shall not be subjected to forced sales or foreclosure of said mortgage or mortgages, until two years after the termination of this war; but that said party or parties shall pay immediately the interest already accrued, and they shall then give solid and solvent security for the amount of said indebtedness, and during the interval from the passage of this act until the termination of the war, said party, or parties, shall pay annually the accruing interest.

MR. KAVANAGH—I move to reject.

MR. FOLEY—I am in favor of the resolution, but it requires amendment, and I hope it will be put upon its second reading and referred to a committee. I believe the measure is necessary at the present time. The commanding general has acknowledged the necessity of such a bill, by his order preventing the foreclosure of these mortgages.

MR. BROOKS—I would like to have such a bill passed, and believe it would be a benefit to a great many persons, but I think it is unconstitutional to pass any such a law, and, therefore, I shall vote for the rejection.

MR. CARRIG—I shall vote for the rejection on the ground that the bill will

be of great service to some, and an injury to others. I think we ought not to pass such a law.

MR. HARNAN—I am opposed to rejecting any bill on its first reading, that ought to receive the mature consideration of this House. I wish it to go before a committee and let them report on it.

The yeas and nays were called on the rejection, and the motion carried by yeas 37, nays 32.

The bill relative to prescription, was taken up.

MR. PRESCOTT—I move its rejection, and my reasons are simply these: In the present condition of our country it is unadvisable. We already have a prescription law in force. Nearly all our suffering fellow-citizens will be relieved if the war still continues, by the law already existing. The fact is, a large portion of the Union citizens have given bonds, mortgages, notes and various other obligations, to persons now in the rebel army, and supporting the rebel government. They have impoverished the country, and it will require at least fifty years to recover from the blow. These men who have placed their debtors in a position not to pay, now ask a law annulling a law already in force and depriving Union citizens of the benefit of it. The men who thus call on you to repeal this law, do it merely for the purpose of availing themselves of the poverty and wretchedness which they alone have caused. They have placed it beyond the power of those who are indebted to them to pay them. They have lost their slaves, farming implements and means of subsistence, and it is utterly impossible for them to pay. How will these creditors be paid? By seizing the homesteads, the last property left in the hands of our suffering fellow-citizens. If you enact this law, you deprive these citizens of the benefit they would derive from the law now existing respecting these obligations. I therefore say it would be an act of the greatest cruelty to our Union citizens, and uncalled for courtesy towards those who have caused this rebellion and wide-spread ruin, and overthrown the government of this State, for no other purpose than to substitute an oligarchy, and as such, I move it be rejected.

MR. S. BELDEN—**Mr. Speaker**: I imagine the gentleman hardly understands the true meaning of the bill. If I understand it, it does not refer to parties, loyal or disloyal, residing within or out of the lines, but is to make consistent two laws of our State. In other words, the intention of this act is to harmonize the prescription and mortgage of ten years, and the note thereon of five years. Under the law, as it now stands—which has been the law since Louisiana was a State—all unconditional obligations are prescribed by five years, but the mortgage, which is incidental to the principal obligation, is prescribed by ten years. Now, when the note becomes prescribed, and the note still runs five years longer, where is the consistency? The act in question has no reference to the rights of any parties—no reference to a change of the rights of any under the law as it now stands—but is merely to har-

monize the two features of the law in reference to a promissory note. As it now stands, it is a farce. If I execute in your favor a promissory note, secured by mortgage, at the end of ten years your principal obligation is dead ; but your mortgage, which amounts to nothing at all, runs on five years more.

This act has nothing to do with the hardships of parties in connection with this revolution.

If the gentleman had carefully noticed the reading of the bill, he would have discovered that there is no design on the part of the bill to change the present law with reference to the rights of parties. If he holds that the bill is a hardship to parties loyal to the government of the United States, he can, with equal truth, maintain that the present existing law is a hardship, because the bill is identical with the law as it now stands, and makes no change, except to harmonize the time of prescription between a promissory note, secured by mortgage, and the mortgage itself. I have examined this bill, and, as a lawyer, I conceive it is right to harmonize these conflicting principles. It is folly to say that the mortgage shall run on five years after it is utterly dead, for it cannot be enforced, since the obligation is dead. There can be no successful opposition to this bill, when it is clearly understood. Those who have promissory notes, hold them just as they did ; and the only object of the bill is to prescribe the mortgage that secures the payment of a note and the note, so that both may fall together by prescription.

MR. PRESCOTT—I have listened to the eloquent speech of the gentleman, but, so far as any real arguments are concerned, I have only to say that he admits the note expires by its own limitation ; then how can the security hold responsible ? Therefore, I think it prudent to allow the law to remain as it is. It is the very palladium of the people of this State. They have been placed in a condition such as no people were before, and their only hope of escape from destruction and beggary is in the existence of the law as it now stands. In respect to myself, I am only one among the thousands of yeomen who expect to have the benefit of this law. The parties owning these obligations are generally rebels, and intend to enforce these obligations to the fullest extent. They have caused the war, and if they can be punished by preventing them from reaping the benefit of these obligations, I think that punishment is justly due, and hope it may fall upon them. To my certain knowledge, the parties against whom these obligations are held, have protested against the war, and fought against it, and done everything they could to support the government of the United States, and many have sacrificed their lives, and would have sacrificed ten lives, if they could, for a cause so glorious. They have sacrificed their property, and are exiles all over the country. They have been hunted like criminals, for no crime but attachment to the government ; and, I say, if they can be protected by any law, they should receive that protection to the fullest extent, and not be

deprived of their last hope and resource. If this law passes, prescription will date from the passage of the bill, and, should the war end in a year or two, they would be debarred from the benefit of the law on the statute books. I say it would cause wide-spread ruin and beggary, and deprive thousands of families of their homes. Preserve their homesteads, and let the law remain as it is, even if it is done at the expense of rebels. It is a punishment justly due to treason. We cannot, in justice to so large a class (and probably a majority of the people of this State), interfere with this law in one tittle.

The motion to reject was carried—yeas 34, nays 31.

The following bills were adopted on their first reading :

An act to amend article 3184 of the Civil Code of Louisiana.

An act to amend article 3216 of the Civil Code of Louisiana.

An act to amend article 3217 of the Civil Code of Louisiana.

The Bayou Lafourche and Mississippi Land Improvement bill was taken up.

MR. BROOKS—One of the gentlemen who spoke on the bill yesterday (Mr. Christie), referred to the vast amount of land not under cultivation at the present time, and asked why persons wishing land did not take it. We have no right to say where any man shall locate himself. If he desires to settle in a swamp, or lake, it is not our business. We should not force him to stay in it, or occupy any particular locality. The gentleman stated that the land was worth \$10 per acre. He can make a splendid speculation by buying it, for the State is willing to sell it for \$1 25 per acre. The object of the bill is to organize a company for the improvement of this land. Large capital is necessary to carry out this design, and I think the State should grant the privilege to a company that has the necessary means. They ask for ten years to pay for it in, and if unpaid for at the end of that time, it reverts back to the State, with all the improvements thereon.

MR. DANIEL—The country can be drained, but the company does not intend to do it; they only mean to cut off the timber. The canal will be a ditch three or four feet wide, or sufficient for a small flatboat, and then they take possession of an immense property. I am opposed to the bill entirely, for it is nothing but a speculation.

MR. CHAMBERLAIN—I have a few words to say on this bill, and shall propound a few questions to the advocates of this bill, and until their answers are satisfactory to me, I shall oppose the bill to the extent of my ability.

What guarantee have we, or this State, that this company will fulfill their obligations? What bond do they propose to enter into to the State that they will fulfill these obligations, if we grant the privileges desired? I have failed to discover any in the provisions of the bill. What guarantee have we that as soon as they get possession of the land, they will not strip it

entirely of the valuable timber it contains, convert it into money, and then tell us at the expiration of the ten years, to take back the land?

I contend, that the most essential point in a charter is where mutual remuneration is guaranteed by each party. But so far as I can discover, in this case, all the benefit is to be conferred by this State on the company. I see no mutual return made by them to this State. On the contrary, I perceive great and very extensive privileges granted to this company, and all they intend to take possession of this valuable land for, is, to secure the timber. What constitutes the difference between timber and prairie land?

The State values the former at \$25 per acre and the latter at twenty-five cents per acre. The timber causes the difference. What guarantee have we that this company will not reduce the timber land to the condition of the other? They do not bind themselves to pay for it at the end of ten years, but merely say, if we do not pay for it, we will give it back to you. I should like to buy a house of any gentleman on the same terms. We have no guarantee that they will give back the land in the same condition as they received it. They will buy what they improve and hold it, but that which they take improvements from, they will return to the State in a stripped condition that will render it worthless.

I am not opposed to the principle of corporate bodies, and believe they are beneficial to a State, but I do not believe in providing one for the benefit of the company at the expense of the State without guarantees on their part, and until such guarantees are entered into, I will never give my sanction to the charter of any corporation in this State.

MR. S. BELDEN—I feel it my duty to express my views in regard to the bill now before the House, as in many particulars it is one of the most important that has come up. I coincide with the objections of the last gentleman and am therefore opposed to the bill. The manner and method of effecting internal improvement, in this as well as other States, is a question that has occupied the best minds in the country. So far as my judgment and experience goes, I am induced to believe that the plan brought forward for the purpose of developing and regenerating the submerged lands of Louisiana, is not feasible nor desirable, so far as the interests of the State are concerned. As has been just remarked, the bill being without any guarantee for the faithful performance of their part of the contract, is defective. That is one of the objections I entertain. The parties would have presented them the title of the land, without any guarantee that the State would receive the benefit which should come from parties receiving a title to a vast extent of the lands of the State.

The reports of the engineers of this State demonstrate the fact that this portion of the country can be reclaimed, if necessary canals are only built. Now, if suitable security should be given that this desirable work could be accomplished, I would favor the letting of a contract having that object iⁿ

view, to private parties, for experience has demonstrated that the letting of contracts to such parties, who agree to perform them for a stipulated sum, is the most certain method of accomplishing a desirable object of this magnitude. This object once effected, the State, instead of receiving the pitiful sum of seventy-five cents per acre, as proposed in this bill, would receive ten fold that amount. The State would be enriched to an unlimited extent, and could sell to purchasers with exactly as great facility as this company ever can—could sell it to those who would settle upon it, and develop, to their fullest extent, the abundant resources of our State. And yet it is proposed to sell this valuable tract to this corporation for the meagre return of seventy-five cents an acre.

There is another view to be taken of this matter. The present is not, by any means, an auspicious time for bringing new lands into our market, for, so far as agricultural and industrial pursuits of our State are concerned, we are certainly thrown back five or ten years. I do not believe—I say it most sincerely—I don't believe that ten years of peace will restore us to that unparalleled prosperity which was ours before the war. Therefore, these lands, now submerged, and for the reclamation of which this company wishes to be incorporated, cannot be at all needed until the industrial portion of the State has so far recovered from the shock of this conflict, as to require new fields of enterprise. Even then they will not be needed, because we have other lands not subject to overflow and equally rich, which will first attract the attention of settlers. At any rate, it will be time enough, ten years hence, for the State to *begin to think* of giving away the title to that soil which is as dear to her as anything by right belonging to her.

Secondly, I think the time is not auspicious for the transfer of this title by the State, not only for the reasons already stated, but because it would be, in my opinion, nothing more or less than the sacrificing the interests of the State, depriving the treasury of an immense source of income hereafter and wilfully throwing away a great portion of that which constitutes the wealth of the State, as far as her public domain is concerned. The Congress of the United States, with most bountiful liberality, gave these lands to Louisiana for the purpose of enriching the State, and not that she might grant it for the purposes which this company desires of her.

I argue in this way: that nothing can be realized by the reclamation of the swamp lands of Louisiana, as wished in this bill, for the sum of seventy-five cents an acre. If this be true, I then argue, that if profits cannot be secured at this rate, it is perfectly reasonable to suppose that this company will sustain a loss, and that they had therefore better not undertake the scheme. On the other hand, if anything is to be made by reclaiming these lands, why not allow the State to reap the profits of so doing? Such, it seems to me, should be the aim of wise legislation.

For these reasons, I oppose the bill and will now conclude—thanking you for your patient attention.

MR. BRECKENRIDGE—Mr. Speaker: I coincide with all the gentlemen who have spoken before me. I am most decidedly in favor of any bill that has for its object the redemption of the swamp or any other lands of Louisiana, but I claim that I should, by voting for the passage of this bill, virtually oppose the reclamation of any lands.

I think that the object of these parties who here seek to be incorporated, is simply that of speculation, and not the interest of the people of Louisiana. I believe they intend to sell these lands in the great marts of the North to simple individuals unacquainted with the swamps of this State, who will be wholly unable to reclaim it, for want of that capital which must be brought to bear in cases of such a kind.

I understand that these gentlemen propose to incorporate this Legislature into a land improvement company, giving each member a certain number of shares. I shall most certainly oppose this scheme, as I know nothing about the business, and don't care for a share. [Laughter and applause.]

MR. PRESCOTT—Mr. Speaker: I find that I must subdivide my argument, taking up and combating the views expressed by each member, in turn.

In the first place, there can be no such speculation in regard to these lands, as the last gentleman has so sagely alluded to, for by one of the very first clauses of the bill, it is provided that they shall not be sold at all, until they are, in good faith, reclaimed.

Secondly, and in regard to the project of turning this body into a land improvement company. There is too much patriotism and wisdom in this body to admit the possibility of such sweeping generalizations being founded in fact. I will, therefore, dismiss that matter with this slight consideration.

I will next reply to my learned and eminent Creole friend (Mr. Boudreaux), who addressed us in some very eloquent remarks, which probably would have considerably astonished some pariah auditors, but are not of much weight in the Legislature of Louisiana. This gentleman is very much opposed to the reclamation of these lands, for the reason, as it would seem, because in their present condition they are fine hunting grounds. But I do wish to see them reclaimed. Instead of their being the home of the alligator, the haunt of the bear and panther, reeking with malaria and every foul disease, I wish to see them teeming with bountiful, almost limitless crops of sugar, cotton, and rice; for I say in sincerity, that I believe they will better produce these products than all the rest of the State together.

I next must turn the course of my remarks to a consideration of the views which a very formidable gentleman, the speaker of this House, has seen fit to express on this subject. His argument is utterly groundless, and to prove this statement, as well as to entirely refute the tendency of his remarks, it is only necessary to state the actual facts of the case.

The land is accessible to navigation, and the soil of it is acknowledged, by those who have examined it, to be of the very richest character. But, as for its being or becoming a source of great revenue, and contributing to the wealth of the State, such has not or will not be the case, simply because it is beyond the power of any individual to reclaim even a small part of it. I make this statement confidently—and not only this one, but will go further, and say that it is beyond the power of *Louisiana* to reclaim this tract of land, because, ever since 1808, the attempt has been carried on, backed with the whole capital of the State, without the gain of a single acre of land to our domain. Why is this? Simply because the various plans projected by the State have failed, through the remissness, incompetence and corruption of her officers. [Applause.] If, then, the State failed so egregiously in this undertaking, when it was the richest State in the Union, is it at all probable that it will now succeed, when she is doubtless the poorest of them? The gentleman, nevertheless, wishes to go on and expend millions more, in order that a simple land company may dot, by possibility, reap from their efforts a small dividend. It certainly does seem as if the gentleman has some personal enmity against those who have had the hardihood to request the privilege of so developing the resources of the State, with a faint prospect of slightly benefitting themselves. This member is very patriotic; but if the State, when in the flower of financial prosperity, has expended forty years in fruitless efforts, is there any reasonable prospect of her doing so now? I say, that failure is doubly sure. I say, that only a company like the one proposed, backed with heavy capital and the height of engineering skill, managed with prudence and economy, can accomplish that most desirable result, which has been so long hoped for.

If this company succeeds—as I most heartily believe it will—it will add to this State four thousand acres of land, which, when planted, will produce crops of cotton equal to those raised in every other portion of the State, which has amounted to some four hundred thousand bales, if I am not mistaken. This same tract will produce four hundred thousand barrels of sugar—double the amount ever produced throughout our State, in the most favorable season. If planted with rice, it will produce more of that crop than the whole continent could consume, as it far exceeds in fertility the most boasted rice lands of South Carolina, as it does those of any other section of our country. Should these results be accomplished—which are confidently looked for—this company will not only confer a benefit upon our State, *per se*, but, through it, upon the States at large.

It has been said that a hundred thousand dollars will be required to reclaim this whole tract; what amount would necessarily be expended in putting it under cultivation is not stated, nor is it necessary to inquire, as those who purchase, must bear that expense. It is manifest that projects of this kind can only be accomplished by the means which I urge, as the

example of the Erie Canal and many other enterprizes undertaken upon this same plan, would abundantly prove, did I care to go into details. The fact is patent, not only in Louisiana, but in every other State of this Union, that public works have been a pitiful failure.

We have all heard of the Cat Island speculation. The tract in question, lies on the Mississippi, and the lands of the richest description, were open to navigation the year round. The State undertook to reclaim this land and built a levee about two miles in length, which did not, however, protect it in the least. This levee cost the State an immense amount of money and at last this land, the redemption of which cost the State six dollars and a half per acre, was sold for one dollar and a quarter per acre. To go into any similar undertaking, would result in a repetition of this same failure. It is unnecessary to enlarge further upon this point. If the State of Louisiana is to be reclaimed at all, (and three-fourths of it is not cultivated) that end can only be attained by the efforts of a company which this bill proposes to establish. Unless you wish this country to remain a wilderness and its resources undeveloped, you will take care that an enterprise which promises to do so much for our advancement in the Union, does not fail for lack of your support. If this bill is rejected, I tell you most seriously that such another application will, in all probability, never be made in this House. [Applause.]

A good deal has been said about timber speculation, and I wish to submit, for the consideration of this honorable body, the report of Mr. Blanchard, to be found in De Bow's Industrial Resources of the South and West, pp. 539 and 540. It is there shown that this part of the country is so overgrown with grass and reeds as to render it almost impossible for one to force a passage through them, while there is an utter absence of any other vegetation. So luxuriant is the soil, that this gentleman was obliged to employ two men constantly, in forcing a path for him through this morass—and even then could progress but some three or four miles a day. I must confess that I am not able to discover any facilities for those great speculations in timber upon which gentlemen have been ringing the changes, for the simple reason that the article does not exist in that locality. [Laughter and applause.] It is impossible for the gentlemen who compose this company to enter into any such a scheme, even if they wished to, which I cannot believe they do. Their only aim is, as far as I can understand, to reclaim these lands, and secure a fair compensation for so doing—which, in my opinion, will be a perfectly legitimate transaction.

Guiana, in South America, is one of the richest countries in the world. It produces nearly as much sugar as the whole of our own State, in time of peace—which product could be extended to a million of hogsheads. Now, what is the character of that land? It was a rich morass, exactly like that which Mr. Blanchard describes, and the same which this company proposes

to improve ; but, through the indomitable perseverance, undaunted industry, immense capital, and eminent engineering skill of the Dutch, it has been transformed into, and now is, one of the finest countries (speaking in an agricultural sense), upon the face of the globe. I will read an extract from Trollope's *West Indies and Spanish Main*, page 195. He says : " The whole country is intersected by drains, which are to carry off the surface waters ; there is no natural fall of water, or next to none ; and, but for its drains and sluices, the land would be flooded in wet weather. Parallel to these drains are canals ; there being, as nearly as I could learn, one canal between two drains. * * * Nor do these canals run only between wide fields, or at a considerable distance from each other. They pierce every portion of the land ; so that the canes, when cut, have never to be carried above a few yards. The expense of keeping them in order is great, but the labor of making them must have been immense ; it was done by the Dutch. * * * I was told, on one estate, that there were no less than sixty-three miles of these cuttings to be kept in order."

MR. BOUDREAUX—I believe that the gentleman's half hour is up, Mr. Speaker. The gentleman was requested to continue.

MR. PRESCOTT—I understand very well the position of Louisiana at the present time, and very much regret it. Still, I must say with the patriot of old, " I will go a step forward and die, rather than a step backward and live." We are inaugurating a new era—engaged in a struggle the most fearful that the world ever witnessed. It is the struggle of freedom against slavery, of falsehood against truth, of patriotism against barbarism, and if you wish to extirpate the last relics of an aristocratic class, we must no longer confer benefits upon those who know only how to abuse them. We must reorganize society upon the basis of freedom and free labor. If, however, we do not also invite hither capital, enterprise and industry, our State will never be reclaimed. This duty of reclamation, which we are now discussing, if left to the State, will be a failure ; but if left to companies, under this liberal policy to which I have but just alluded, it will be a grand success, such as the world never before witnessed. [Loud applause.]

MR. CHAMBERLAIN—Mr. Speaker : I wish to offer an amendment to section 6. As the gentleman says there is nothing but prairie land, I hope this amendment will be accepted. It reads as follows :

That all the said prairie lands not otherwise appropriated, lying west of the Mississippi river, and east of Bayou Lafourche and the Gulf of Mexico, be and the same are hereby sold to said company at the price now asked for the same, viz : 25 cents per acre, to be paid for on or before ten years from the date of this grant.

MR. CHRISTIE—Mr. Speaker : The lands lying east of Bayou Lafourche have been, at least a great portion of them, ceded to the New Orleans and Opelousas Railroad Company.

MR. CHAMBERLAIN—The lands are at the west, sir.

MR. CHRISTIE—Well, Mr. Speaker, admitting that to be the fact. I understand the location of these lands, and totally oppose the adoption of an amendment of this kind. I am not willing that this House should pass any sweeping clause of this character, by which vested rights will be interfered with. I do not consider it politic to oppose any bill which has for its aim the improvement of our State, but I am most certainly opposed to grants of this kind, which are not even confined within any definite boundaries.

I trust the House will not entertain the amendment, and would much prefer having the bill taken up section by section, that we may have an opportunity of fully discussing it.

MR. PRESCOTT—I move the amendment be rejected.

The amendment was rejected, and the bill thereupon adopted on second and engrossed for the third reading.

On motion carried, the House then adjourned until 12 m., to-morrow, 22d instant.

THURSDAY, December 22, 1864.

The House met pursuant to adjournment, at 12 m.

Prayer was offered by the Rev. Dr. Newman.

The minutes of yesterday were read and adopted.

Mr. Christie presented the following resolution :

Be it resolved, That the warrant clerk of this House be, and he is hereby authorized to draw a warrant for the sum of one hundred dollars, (\$100,) in favor of W. A. Valloft, for services lately rendered the special committee appointed by this House to investigate the *per diem* paid to members of the late Constitutional Convention.

(Signed)

D. CHRISTIE,
JOHN T. MICHEL,
G. G. BRECKENRIDGE,
O. H. POYNOT.

MR. LASTER—If the gentlemen favoring this resolution will look at the rules of the House, they will see that no extra compensation is allowed employes of the House. I think we have made a grave error in increasing the pay of some of the other clerks, and I shall move to reconsider my vote.

MR. TODD—I think the gentleman is in a great error. These clerks are not elected by the House. If this clerk sat up until 2 or 3 o'clock in the morning, and writes the whole time, as I have been informed he did, he should be paid for it.

MR. CHRISTIE—I signed the recommendation that the clerk should have this small sum for his services, because nearly \$200 had been appropriated to a gentleman who had performed similar duties for another committee, and, therefore, I thought it no more than right that this clerk should also be compensated. We may have committed a grave error in awarding that gentleman pay for his services, but I cannot think it is much of a mistake to pay any person for duties performed. The gentlemen will not deny the duties

were arduous in this instance; and I judge, from the length of the report, and the labor necessary to prepare it, that the same was true in the other case. If I had felt the pay was too great, I should have voted against it.

MR. MICHEL—I would state, as one of the members who signed it, that I thought the gentleman entitled to some compensation, and this was similar to one already adopted by the House.

MR. LASTER—The gentleman who received the benefit of the resolution yesterday was a clerk of the Ways and Means Committee, and this is a clerk of the Banking Committee. There are a plenty of clerks walking around doing nothing that could have been called upon.

MR. CHAMBERLAIN—If we give extra outside work to clerks, they must be paid for it.

MR. CREIGH—I think it is outrageous to allow a man one hundred dollars who is paid five dollars per day, and has never done any duty. If it is the clerk of the Committee on Commerce and Manufactures, I would state that I belong to that committee, and that as we have had nothing before us, he has had nothing to do.

MR. SEYMOUR—The reason I voted to pay Mr. Moore, yesterday, was that he came to us every evening at 7 o'clock and worked until 12, and I thought the laborer was worthy of his hire. If this gentleman has performed an equal amount of labor, I shall vote that he be paid.

The resolution was rejected by the following vote: yeas 40, nays 23.

MR. PEARSON—I move to reconsider the vote on yesterday, compensating Mr. E. A. Moore, clerk of a special committee.

MR. KAVANAGH—I move to lay that on the table.

Carried—yeas 37, nays 29.

Mr. Bovee offered the following resolution:

Resolved, That the resolution passed by this House, on the 8th inst., increasing the pay of Mr. Thomas Flynn, police officer, be so amended as to read as follows:

Resolved, That the pay of the said Thomas Flynn be, and the same is hereby increased to five dollars per day, to date from the 3d of October, 1864.

Adopted.

Mr. Brooks offered the following:

Resolved, That the special committee appointed to examine the books of the auditor and treasurer, be ordered to report immediately.

MR. DUANE—I wish to say, as chairman, that we are progressing and will be able to report probably next Tuesday. We should have reported to-day, but I was called away from the meeting of the committee by a fire last night.

MR. BOVEE—I move to amend the resolution so as to read that they shall report next Tuesday.

Amendment accepted and resolution adopted.

Mr. Chamberlain offered the following :

Resolved, That special committees appointed by this House shall be entitled to call upon the clerk of any standing committee, when not employed by said standing committee, to perform the duty of clerk to said special committee ; and such clerk shall not be entitled to any extra compensation for such services rendered to such special committee.

MR. PEARSON—I move to lay it on the table.

Lost, and resolution adopted.

The joint resolution, giving the president *pro tem.* of the Senate \$8, in addition to his *per diem* for his services, deducting the same from the salary of the lieutenant-governor, was, on motion of Mr. Duane, laid on the table.

MR. MICHEL—I move a suspension of the rules, to take up, on its third reading, the bill incorporating the First German Evangelical Lutheran Church of the city of Jefferson.

Carried, and the bill adopted on its final reading.

MR. TODD—I move a suspension of the rules, to take up a bill, entitled “An act to renew acts of the Legislature passed 1855, relative to the building of a railroad from Thibodaux to Houma.

Carried.

MR. PEARSON—I move the further consideration of the bill be postponed, and 100 copies printed.

MR. CHAMBERLAIN—I am opposed to paying for the printing of bills that are for the benefit of companies. If they wish us to pass the bill, they must furnish printed copies. That is always customary.

MR. PEARSON—Then I withdraw my motion, and move that the further consideration of the bill be postponed until such time as the House shall be furnished with printed copies.

MR. MICHEL—I move to lay that motion on the table.

Lost.

The motion to postpone was then carried.

A report of the Committee on Ways and Means, reporting favorably on the bill defining the duties of State tax collectors, was adopted ; 100 copies of the bill ordered to be printed, and made the order of the day for next Tuesday.

The Committee on Charitable Institutions, to whom was referred the memorial of the administrators of the Charity Hospital, submitted a report, which was adopted.

MR. MICHEL—I move a suspension of the rules, to take up the Senate bill relative to the compensation of State printer.

Carried, and the bill adopted on its first reading.

MR. DUANE—I move a suspension of the rules, to put it on its second reading.

Carried.

MR. FOLEY—I move it be read by title.

Carried.

MR. CHAMBERLAIN—Section first says there shall be an election of State printer held, but does not say by whom. I move to amend so that it will read: "An election shall be held by the General Assembly in joint session," etc. I have just come from the Senate, and a member acknowledged it was an oversight.

A motion to table was lost, and the amendment adopted.

MR. LASTER—I move to refer the bill to the Committee on Public Printing.

MR. FOLEY—I move to lay that motion on the table.

Carried.

MR. PEARSON—I move it be referred to a special committee of five.

MR. FOLEY—I move to lay that on the table.

Carried.

The bill was then adopted on its second reading.

MR. PEARSON—I move that 100 copies be printed for the use of the House.
Lost.

MR. PEARSON—I move we adjourn.

Lost—yeas 18, nays 43.

MR. WATERS—I move a suspension of the rules, to put the bill on its third reading.

Lost.

MR. PEARSON—I move it be made the order of the day for next Tuesday.

MR. HARNAN—I amend to to-morrow.

Adopted.

MR. PEARSON—I now move we adjourn.

Lost—yeas 18, nays 43.

Mr. Foley and Mr. Pearson both rose to speak, and the chair decided that Mr. Foley was entitled to the floor.

MR. FOLEY—Having voted in the negative, and consequently in the majority, on the motion to suspend the rules, to put the bill on its third reading, I now move to reconsider that vote.

MR. PEARSON—I appeal from the decision of the chair, that Mr. Foley had the floor.

The appeal was put and the chair sustained.

The motion to reconsider was lost.

A motion to adjourn was lost.

MR. BROOKS—I move a suspension of the rules, to take up the Bayou Lafourche and Mississippi Land Improvement Company bill.

Carried.

MR. CHRISTIE—I move the bill be taken up section by section.

MR. FOLEY—That is out of order. There can be no amendment on the

third reading, unless the gentleman proposes a rider, which must be germane to the subject.

MR. CHRISTIE—I contend it is entirely within the province of the House to do precisely as it wishes as to the adoption of that bill. The understanding with certain gentlemen was, that the bill should be adopted by section. Now if these gentlemen are prepared to take any advantage of that understanding, I think it is not too late to entirely oppose the passage of such an act. I appeal to these gentlemen, if there is any impropriety in taking up and discussing the several clauses? I have some amendments which, I am free to say, I wish to offer. I voted for its adoption on the second reading, with the understanding that I should be permitted to engraft and embody certain interests of the State, in lieu of those privileges we are about to accord to these gentlemen. I do not seek to condemn this enterprise, for I believe it to be worthy of consideration; but at this present juncture it may not be extremely necessary to go into operation.

MR. PRESCOTT—I wish to say, that I have no objection to taking up the bill section by section. I have seen the amendment he proposes, and do not think it militates against the full effect of the bill, and may secure to the State privileges which properly belong to it, and not materially detract from the power that properly belongs to the company.

A motion to adjourn was lost—yeas 27, nays 29.

No quorum voting, a call of the House was demanded, and a quorum found to be present.

The motion to take up the bill section by section, was carried.

On motion of Mr. Walsh, the House then adjourned until 12 m., Friday, December 23.

FRIDAY, December 23, 1864.

The House met, pursuant to adjournment, at 12 m.

Prayer was offered by the Rev. Mr. Thomas.

The minutes of yesterday were read and adopted.

The joint resolution from the Senate, relative to the adjournment of the General Assembly, in which it is provided that both Houses shall adjourn December 24th, to the second Monday in January, 1865, was taken up.

MR. KAVANAUGH—I move to reject it.

MR. BROOKS—The resolution, as I understand it, says there is no limit to this term of the Legislature. I consider that there is. The constitution provides that the regular session shall commence on the first Monday in January. If we pass a law before this resolution postponing the next session of the Legislature, the resolution can be adopted. We could then adjourn one or two weeks and go on with this session.

MR. SEYMOUR—I think it would be better to bring in a bill to postpone the session of January until June, and then bring up this resolution.

MR. LEWIS—Article 42, of the constitution says the limit of sixty days shall not apply to the first Legislature to convene after the adoption of the constitution.

MR. BISBEE—I think gentlemen can sit if they choose until January, 1866. One objection to the adjournment is, that the members are in favor of being paid during the recess, and I object to the resolution for that reason. As far as I am concerned, I do not want any pay in order to adjourn until the second Monday of next month, but shall not oppose the measure, if the House will not adjourn without it, for I think it only right that we should take a recess during the holidays.

MR. BOUDREAU—I think the proper way for us to do, as we have so much business before us, would be to adjourn and take a recess until the second Monday in March, and commence the regular session in January and continue it for sixty days, and then finish this session.

MR. BRECKENRIDGE—I think the constitution on the first Legislature is plain. Some seem to confound the words session and Legislature. One Legislature can have several sessions. We are the first Legislature, and I think it best not to adjourn until we get through with our business.

MR. CHAMBERLAIN—The provision in article 32 of the constitution which it says shall not apply to the first Legislature, does not apply to the term for which we are to sit. There is no limit to the term. The only question that can arise is, shall this session terminate and we adjourn *sine die*, to give place to the regular one, which is to convene, according to the constitution, on the first Monday in January? If we adjourn this session *sine die*, it necessitates the re-election of officers; for the termination of the session puts an end to officers that were elected to serve for that session.

We can meet the first or second Monday in January. I am in favor of the first. Let that be the regular session, and continue as long as you like. The term *session*, means the time for which the Legislature sits. The *Legislature*, means the body of men elected. The constitution says this provision shall not apply to the first Legislature; that is, to the members, and not the time. Article 7 says: "The General Assembly shall meet annually on the first Monday in January, unless a different time be appointed by law." It also says, there shall be a special session. Now that does not permit us to abrogate the clause which provides that the regular session shall commence on the first Monday in January. I hold that this session ought to adjourn to-day or to-morrow, and meet and organize a new session on the first Monday in January, according to law.

MR. MICHEL—I consider the present session the special one. The next session will commence next month, and we are bound to adjourn this year. When we convene again, we can sit as long as may be necessary.

MR. PRESCOTT—I beg leave to differ with all the gentlemen. The constitution provides that no session shall extend to more than sixty days, except

the first Legislature. This is only a re-enactment of a provision that can be found in all the constitutions of Louisiana. We have a right to adjourn when we please, and to meet when we please. I care not for the opinions of officers of the government, however influential they may be. I read the law as I find it, and interpret it as I believe it ought to be, literally. I know that many different views are expressed, and it is hard to reconcile them; but I believe my own opinion can be sustained, by reference to the action of similar Legislatures.

MR. BROOKS—I wish to correct some statements that have been made. One gentleman says we can carry on this session until 1866. The constitution says the term of office of the members of the first General Assembly shall expire as though they had commenced in 1863, and so the term cannot be extended to 1866. One gentleman remarked the objection was, that members would not draw their pay. I have no such objection at all. It is not my intention to continue the Legislature to make a living—there are ways enough of doing that. If you will pass a law postponing the regular session to meet on the first Monday in January, we can adjourn, and then carry on this session; but I do not think it can be done otherwise.

MR. BISBEE—I think the last gentleman is laboring under a misapprehension. He is all the while considering this the regular session of the Legislature, which is not the fact. This body has met for a special purpose. The regular Legislature will take place the next session. I do not wish any member to suppose I am willing to stay here for eight or ten months longer. I have other business to attend to, and would like to see this body adjourn at as early a day as possible, after transacting the necessary business. We have yet a vast amount of business to perform, and I am satisfied we cannot complete it within sixty days. I think it is just and constitutional that this body should adjourn to the second Monday in January, and then the next Legislature will have to sit sixty days, unless altered by law.

MR. BRECKENRIDGE—It has been said, that by continuing this Legislature, we shall lap over on the next session. We need not, for we can remove it to any future period.

MR. KAVANAGH—There appears to be a great deal of difficulty and misunderstanding as to whether this is the regular session or not. To avoid this, I move to reject the resolution. From article 32 of the constitution, I contend this is the first Legislature; and as such, this session is not limited. One gentleman has told us he has other and important business to transact. If that is the case, I say, let him resign, and no doubt his parish or district will find a gentleman equally competent to fill his position.

The motion to reject was carried by the following vote—yeas 55, nays 16.

MR. Chamberlain offered the following joint resolution:

Be it resolved, That the General Assembly adjourn Saturday, December 24, 1864, to meet again Monday, January 2, 1865.

Before any action had been taken on the resolution, the House, on motion of Mr. Breckenridge, adjourned until 12 m. Monday, December 26.

MONDAY, December 26, 1864.

The House met pursuant to adjournment at 12 m.

Prayer was offered by the Rev. Mr. Strong.

A quorum having been obtained, the minutes were read and approved.

MR. MICHEL—I move a suspension of the rules, to take up the Senate bill defining the duties and compensation of state printer, on its third reading.
Carried.

MR. CHAMBERLAIN—I move a reconsideration of the vote adopting the amendment to section first, that the election shall be held by the General Assembly in joint session. I find that section 12 of the bill provides that the election shall be held by the General Assembly, and this amendment is unnecessary. It will take three days for the bill to pass the Senate as amended, and it is desirable that the bill should be finally adopted this session.

Carried.

MR. CHAMBERLAIN—I now move for permission to withdraw the amendment.
Carried.

The bill was then adopted on its final reading.

A motion to take up the land improvement bill, and a motion to adjourn were made.

The chair having decided that the motion to adjourn was in order, Mr. Foley appealed from the decision of the chair.

The chair was sustained, and the motion to adjourn lost—yeas 22, nays 36.

A quorum not voting, a call of the House was demanded.

Sixty members present.

MR. PEARSON—I renew the motion to suspend the rules, to take up the land improvement bill.

The motion was carried.

A motion was made to adjourn, upon which the roll was called and the motion lost—yeas 25, nays 35.

MR. CHRISTIE—This bill was passed to the third reading upon condition that it should be taken up section by section.

The secretary read from the minutes, substantiating the assertion.

MR. BUDGER—I move that the whole subject be postponed until every member be furnished with a copy of the bill.

The motion was tabled, and the bill thereupon taken up.

MR. CHRISTIE—Mr. Speaker: I think that this company is to be incorporated for too long a time, and, therefore, I move to amend by restricting the time to forty-five years, thus allowing the company forty years clear of the

time they desire in which to complete their road. I think that will be time long enough ; as long as any company should ask for any privileges of this kind.

THE SPEAKER—In order to amend upon third reading, the rules must be suspended.

The motion to suspend the rules was made and carried.

MR. BAUM—I move we adjourn.

MR. FOLEY—The motion is out of order.

THE SPEAKER—The chair decides the motion in order.

MR. FOLEY—I appeal from the decision of the chair.

On appeal taken, the chair was sustained.

The Committee on Enrollment gave notice of the enrollment of the bill relating to branch pilots.

On motion carried, the House then adjourned until 12 m., of Tuesday, 27th instant.

TUESDAY, December 27, 1864.

The House met at 12 m., and there being no quorum, adjourned until Wednesday, December 28.

The House met at the usual hour, December 28, 29, 30 and 31, and adjourned without obtaining a quorum.

[This day's debates were inadvertently omitted in their regular order.]

MONDAY, November 14, 1864.

The House met, pursuant to adjournment, at 12 m., and sixty members responded.

The minutes were read and adopted.

Mr. McDonnell offered the following resolution :

Resolved, That all persons, who are not members of this House, be, and the same are hereby excluded from occupying seats within the bar of this House, except such as are provided for by the constitution and rules governing this House.

The resolution was ruled out of order, as the rules provided for this matter.

Mr. Prescott offered the following :

Resolved, That a committee be appointed to wait upon the editor of the New Orleans Times, and arrange with him for the publication of the proceedings of this House, on the terms proposed by him in his issue of Sunday, 13th inst. Such publication to include all laws passed by this body. Copies to be furnished to the said editor by the proper officers of this House, he giving a suitable guarantee that the said publication of the laws and proceedings of this House be continued to the end of the session.

Mr. HARNAN—I move it include the Era, since that paper offers to publish the journals on the same terms.

Mr. TODD—I move to lay the resolution and amendment on the table.

Lost—Yeas 26, nays 30.

Mr. PRESCOTT—I wish to read the proposition of the Times in relation to the paper. I think we should accept it:

“THE LEGISLATIVE PROCEEDINGS.—The Senate discontinued the publication of its daily proceedings—a commendable indication of a desire to retrench. Why will the House persist in publishing its daily proceedings, in the face of the fact that it is entirely unnecessary, while costly to the State, or rather city.

Now we will come to the relief of our modern Solons and the treasury. If they must see their *official* action in print, let them direct the clerk to send it daily to this office, and we will print it without cost. In plain, unmistakable language, if the Senate and House will direct their clerks to officially report their proceedings for the Times, we guarantee, without charge, to give them four times the circulation they now get.”

Mr. Foley offered the following substitute:

Resolved, That the official reporters be and are hereby instructed to furnish the New Orleans Times and New Orleans Era with copies of the proceedings of this House.

Adopted.

A report from the Finance Committee was read.

The committee on auditing and supervising the affairs of the House, submitted a report, in which they stated that they had examined the books of Mr. Fitzwilliam, stationer, and found that a large number of the items on the blotter had been changed after the bill was presented—the total difference being as follows:

As the bill was first rendered.....	\$554 85
Bill corrected, as per blotter.....	439 70
Amount of overcharge.....	\$114 15

The committee recommended that the matter should be referred to the attorney general.

Mr. BAUM—We have the book of Mr. Fitzwilliam, where the articles have been changed after they have been bought, by Mr. Fitzwilliam himself, or his clerks.

Mr. FOLEY—I would state, that I called on him—I believe last Thursday—and demanded his account with the House of Representatives. He seemed to be in a great flurry when I asked the question. At last he presented it, and I asked why the changes were made? He could not explain. I demanded the book, to present it to the House, and he refused. I then went to Gen. Hurlbut and got an order for the book, and brought it here. We investigated it, and it stands as reported. While I was away for the order, he copied the items in another book, which he wanted me to take, instead of this.

On motion, the report was then read, and referred to the attorney general. The Committee on Conference, with reference to the bill relative to the salary of the sergeant-at-arms, clerks, etc., reported they had agreed to fix the compensation of the assistant secretary at \$1250 per session, payable at the end of the session, on the auditor. Adopted.

The following notice of bills was given :

Mr. Danel : "An act relative to public lands." "An act for the relief of Joseph Gorlinski, provisional state land register."

Mr. Prescott : "An act to regulate the collection of notes and other evidences of indebtedness, given by loyal citizens of the United States to rebels."

Mr. Dufresne : "A bill for the relief of the sheriff of the parish of Iberville."

Mr. Christie : "An act relative to absentees."

Mr. H. C. Belden : "A joint resolution relative to presidential electors."

Mr. Seymour : "An act relative to constables throughout the State."

Mr. Foley : "An act to amend the fifth section of an act to establish a board of harbor masters for the port of New Orleans."

Mr. McDonnell : "An act to repeal section 6 of an act entitled 'An act to provide a revenue,' approved March 15, 1855."

Mr. Haberman : "An act to reduce the salary of the register of lands."

Mr. CHAMBERLAIN : "An act to provide for the exemption of homestead from execution."

An act entitled "An act to provide ways and means for carrying on the government of the State," was taken up and adopted, on its first reading, and by the suspension of the rules, put on its second reading.

Mr. FOLEY—The only objection I have to it is, that it makes the sinking fund of four hundred thousand dollars, and that is intended to run for fifteen years. It is proposed to raise the sum of two millions five hundred thousand dollars, while the sinking fund will provide for the redemption of six millions dollars. I think the sinking fund is entirely too large and should be reduced to two hundred thousand dollars.

Mr. CHAMBERLAIN—In explanation, allow me to say, that the State is indebted to the amount of thirteen millions of dollars, and we not only provide a sinking fund for the payment of the interest on our own debt, but propose to apply the surplus to the discharge of a debt already contracted. We believe the only measure by which our credit can be established, is the payment of our outstanding debts. It is utterly impossible to raise money by loan until we provide means for the payment of what is already due. The interest alone of the outstanding debt of the State, is seven hundred thousand dollars per annum; a sum considerably exceeding the sinking fund in question, and it is absolutely necessary that it should be as large as had been reported in the bill.

The bill was then adopted on its second reading, and ordered to be engrossed.

The bill relative to homesteads of widows and children of deceased persons, was adopted on its second reading and ordered to be engrossed.

The bill relative to lien laws relative to mechanics and laborers, was taken up on its first reading.

The first section was read.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That every mechanic, laborer, or other workman, doing or performing any work towards the construction of any building, steamboat, ship, or other work, finished or unfinished, or in the performance of any labor or mechanical craft, or any person furnishing materials for said work, for another, amounting to a sum exceeding forty-nine dollars, may require the terms thereof to be made in writing, or in the presence of one or more competent witnesses.

MR. HARNAN—I move to amend by striking out “forty-nine dollars,” and inserting “two dollars and fifty cents.”

Adopted.

The bill was adopted as amended, and ordered to be engrossed.

A bill relative to justices of the peace for the parish of Orleans, was taken up on its second reading.

The first ten sections were read and adopted, without amendment or discussion.

Section 11 was read.

Sec. 11. *Be it further enacted, &c.*, No appeal shall be allowed from any judgment rendered by a justice of the peace in the parish of Orleans, if the amount claimed or in dispute does not exceed ten dollars, exclusive of interest, or if taken after the expiration of ten judicial days from the notification of the judgment to the party cast.

MR. BAUM—I offer the following substitute :

“An appeal shall be allowed from any judgment rendered by a justice of the peace in the parish of Orleans, but it must be taken within ten judicial days from the signing of the judgment, and its notification to the party cast.”

A motion to table was put, when not a quorum voted. A count being taken, it was ascertained that only fifty members were present.

The sergeant-at-arms was dispatched to bring in absent members.

Mr. Meeks moved to adjourn, which was lost by a vote of 52 to 3.

The roll being called, sixty-one members responded.

The motion to table the substitute was then put again and carried—yeas 30, nays 21.

MR. HARNAN—I move, as an amendment, that no appeal shall be taken, unless the sum in dispute shall exceed \$25, for it is cheaper for the party to pay it than to take an appeal; and he has to give security for the payment of double the amount in judgment, and has to pay \$10 to the clerk of the Third District Court, before he can take an appeal. Therefore, I move “\$25” be inserted in place of “\$10.”

MR. PORNOT—I amend to “\$15.”

MR. CROGH—I move to lay the amendments on the table.

Lost, and the last amendment adopted, after which the section was adopted as amended.

Section 12 was read.

Sec. 12. *Be it further enacted, &c.*, For the case provided for in the preceding section, the appeal shall not suspend the execution of the judgment, if taken after the expiration of three judicial days from the signing of the judgment.

MR. BAUM—I move to amend by adding the words, “and its notification.”

Carried, and section adopted as amended.

Section 13 was read.

Sec. 13. *Be it further enacted, &c.*, Whenever an appeal shall be taken after the delay above mentioned, or when, on account of the insufficiency of the appeal bond, or some other irregularity, the judge, after hearing the parties, shall be of opinion that the appeal must be set aside, then he will reserve to the appellant the right of renewing his appeal; *Provided*, That the appeal so renewed shall not prevent the other party, in whose favor the judgment was rendered, from enforcing the execution thereof; *Provided, also*, That ten judicial days have not elapsed since the signing of the judgment.

MR. BAUM—I move to amend by adding, “and its notification to the party cast.”

Carried.

Sections 14, 15, 16 and 17, were adopted as read.

Section 19 was read:

Sec. 19. *Be it further enacted, &c.*, No execution shall issue upon any judgment by a justice of the peace in the parish of Orleans, until three judicial days after notice of the judgment shall have been served upon the party against whom the judgment shall have been rendered, or in case of his absence, upon his attorney or curator *ad hoc*, appointed by the justice of the peace to represent him, and the party may, within three days, pray for a new trial, or appeal from the judgment, upon complying with the requisites of the law.

MR. BAUM—I wish to amend by inserting after “— judgment,” the word “signed.”

Carried and section adopted.

Section 20 was read.

Sec. 20. *Be it further enacted, &c.*, Justices, or their clerks, shall be entitled to demand and receive two dollars for each record of appeal, which sum shall be paid by the appellant, on receiving the record.

MR. BADGER—I move to strike out “demand.”

Lost and section adopted.

Section 21 was read:

Sec. 21. *Be it further enacted, &c.*, They shall be entitled to demand and receive ten cents for every hundred words of testimony taken under any commission.

Mr. BAUM—I move to strike out “ten cents” and insert “twenty-five cents.”
Laid on the table.

Mr. VAN TROMP—I move to strike out “demand.”
Tabled.

Sections 22 and 23 were adopted without amendment.

Mr. BAUM—I offer the following additional section, to be inserted as section 24.

“All appeals from a judgment of the justice of the peace returnable to the Third District Court, shall be made within ten days after the filing of the bond, and it shall be the duty of the justice of the peace to file the bond immediately upon its being given to him.”

Carried.

Sections 25, 26, 27, 28 and 29 were adopted without amendment.

Section 30 was read.

Section 30. *Be it further enacted, &c.*, Each justice may appoint a clerk, at a salary of not less than sixty dollars per month, to be paid by the justice so appointing.

Mr. BAUM—I move to amend so that the section shall read: “Each justice may appoint his clerk, to be paid by the justice appointing.”

Mr. SEYMOUR—I move to lay the amendment on the table. The section, as it stands, is a good one, and I do not see what objection there is to it.

Carried.

Section 31 was read and adopted.

Mr. CHAMBERLAIN—Before the bill is adopted, as a whole, I move to strike out sections 27 and 28, as they have no relevancy to the subject.

Mr. MICHEL—I move to lay the motion on the table.

Carried.

The bill was then adopted, as a whole, as amended, and ordered to be engrossed.

By a suspension of the rules, the joint resolution instructing the members of Congress to use their influence in getting a postoffice established in Algiers, was adopted on its second reading, and ordered to be engrossed.

On motion, the House then adjourned until 12 m., Tuesday, November 15.

SECOND SESSION.

MONDAY, January 2, 1865.

The House met at 12 m. There being no quorum, on motion, the House adjourned until 12 m. Tuesday, January 3.

TUESDAY, January 3, 1865.

The House met, pursuant to adjournment, and was called to order by the secretary.

MR. CREIGH—I move that the gentleman on my right, from Orleans [Mr. Bofill], be called to the chair, and serve as speaker *pro tem.*, during this day's session.

The motion was carried unanimously, and the honorable gentleman took the chair, when, a quorum having been finally secured, the minutes were read.

MR. MICHEL—Mr. Speaker: I notice that the minutes of yesterday are headed, "Sixty-fourth Day's Proceedings." I understand that the proceedings of yesterday were those of the first day of the second session.

THE SPEAKER—That is a question for the House to decide.

MR. CHRISTIE—Mr. Speaker: I would ask gentlemen where they get the authority for calling this the second session?

MR. MICHEL—From the constitution, sir.

MR. CHRISTIE—I have read pretty often that part of the constitution which relates to the subject in discussion. I can recognize this as being nothing more or less than a part of the special session of the first Legislature that was to, and did meet after the Convention. I would like to have any gentleman show me the source which gives him the right to call this the second session.

MR. FOLEY—I move the minutes be adopted as read.

The motion was carried.

The resignation of Mr. R. McDonald, representative from the eighth ward, was received and accepted.

Mr. Harnan offered a resolution, directing the attorney general to institute proceedings against those members of the General Assembly, who, according to report of special committee of the House, were charged with having drawn their *per diem* unlawfully—the clerk of the House to duly transmit said report—was adopted.

Mr. Christie presented a resolution directing the sergeant-at-arms to keep the hall of the House of Representatives open from 8 to 4 o'clock daily, Sundays excepted.

MR. SEYMOUR—I beg leave, Mr. Speaker, to present an amendment, requiring messengers to remain here during the same period, as I have been here often at ten o'clock and been unable to find a single one to provide even a paper for me.

The amendment was carried and the original resolution then passed as amended.

Mr. R. L. Brooks presented a joint resolution authorizing the state treasurer to pay the moneys appropriated for paying expenses and salaries incident upon the Land Office, out of the fund accruing from the sale of public State lands.

Mr. Chamberlain presented a joint resolution declaring that the first day of the second session of the first Legislature under the constitution of 1864, met on yesterday, January 2d, 1865.

The Committee on Auditing and Supervising the Expenses of the House, reported that they had audited contingent expenses to the amount of \$1372.

MR. FOLEY—I would like, Mr. Speaker, to hear the bill of those items read.

MR. CHAMBERLAIN—Mr. Speaker: I believe it is the duty of this committee, when they report to this House, to refer to the items of the bills, that they may be read to the House.

MR. MICHEL—I move that the report be referred back to the committee, that the correction may be made.

MR. FOLEY—I favor that motion, Mr. Speaker, especially as I was absent at the last meeting of the committee, and don't know what bills were audited.

The report was referred back to the committee.

The following members gave notice of their intention to introduce bills:

Mr. Brooks: A bill entitled "An act to increase the pay of the chief clerk of the state treasurer."

Mr. Chamberlain: "A bill appropriating money to defray the expenses of the General Assembly."

Mr. Harnan: "A bill to prevent the wife from claiming property in her own right," unless she can prove she had the property, or the means to purchase it, previous to her marriage. The making of title in her own name to be a cause of litigation, should be discountenanced in this community, and also such should be declared null and void and of no effect.

Mr. Laster: "An act to provide for the payment of the members, officers and contingent expenses of the General Assembly."

Mr. Baum moved to suspend the rules, in order to take the bill up on its first reading.

Rules suspended, bill read and adopted on its first reading, and rules suspended for second reading.

Mr. FOLEY—I move to strike out "two hundred and fifty thousand dollars" and insert "one hundred and fifty thousand dollars."

Mr. CHAMBERLAIN—I move to strike out "they are entitled," because the members of the General Assembly "are" not yet entitled to compensation to the amount of two hundred and fifty thousand dollars, or anything like it. In the place of the words I wish stricken out, I move to substitute "they may be."

Mr. Foley's motion was laid on the table.

The act was passed on second reading—the rules having been suspended, and directed to be engrossed.

A message from the governor, informed the House that he had signed the "branch pilot act," allowing the charge of one dollar per foot extra, on vessels arriving at and departing from New Orleans.

Also, of his signature to the "Act to amend section 5" of an act to establish a board of harbor masters for the port of New Orleans.

Acts for amending and repealing numerous articles of the Civil Code and Code of Practice, were given notice of.

Mr. FOLEY—Mr. Speaker: I rise to a question of privilege. There seems to be a difference of opinion between the House and Senate, in regard to the interpretation of article 7, of the constitution of 1864. The Senate have decided that this is the second day of the regular session, and have taken up unfinished business, while we are continuing the business of the first session. I merely wish to have both bodies arrive at some just conclusion, and I therefore offer this resolution which I hold in my hand, authorizing the appointment of five members on the part of the House, to confer with _____ members of the Senate, regarding the construction of this article.

Mr. CREIGH—The rules must be suspended before that resolution can come up.

Mr. TULLY—I make that motion.

Mr. CHRISTIE—Mr. Speaker: Before that question is put, I would like to say a word or two on this subject, as I am not willing that the conclusion of this question should be left—

THE SPEAKER—There is nothing before the House, sir.

Mr. CHRISTIE—I understand, Mr. Speaker, that there is a resolution before the House, and I wish to give my reasons—

THE SPEAKER—There is no resolution before the House, sir.

The motion to suspend the rules was lost, and, therefore, the House adjourned until 12 m., to-morrow, the 4th instant.

WEDNESDAY, January 4, 1865.

The House met, pursuant to adjournment, when a quorum having at length responded to roll-call, the Rev. Mr. Andrews offered prayer.

The minutes of yesterday were read and adopted.

A resolution, directing the committee to whom was referred the consideration of the bill relative to the organization of the police of New Orleans, to report before the 7th instant, was adopted.

Mr. Foley offered a resolution to appoint a committee of five members, on the part of the House, to confer with a committee of — members from the Senate, for the purpose of arriving at a proper interpretation of article 7 of the constitution, which was adopted.

A message from the Senate requested concurrence in a joint resolution relative to the election of a United States senator.

Mr. FOLEY—Mr. Speaker: I do not believe we can transact any further business constitutionally, until the House and Senate agree in regard to the interpretation of article 7.

Mr. CHAMBERLAIN—Mr. Speaker: I do not think there is any necessity for the appointment of any committee in regard to the interpretation of article 7 of the constitution, but that we can continue to transact business without interruption, by the adoption of a resolution which I have just sent to the secretary's desk, and now call for.

Mr. FOLEY—If the gentleman's resolution covers mine, I beg leave to withdraw.

Mr. Chamberlain's resolution, declaring Monday, the 2d instant, to be the first day of the second session of this Legislature, was adopted—yeas 36, nays 25—a motion to table having been lost.

Mr. CHAMBERLAIN—The clerk has merely to change the record from the sixty-fourth, fifth and sixth days' proceedings, so as to make it read, proceedings of the first, second and third days' proceedings of the second session. That is all that is to be done, and we now enter upon an unlimited session, thus removing the objection which some gentlemen had to the adoption of my resolution, on the ground that this was to be a limited session.

I accordingly move that the headings of the minutes be changed.

Mr. KAVANAUGH—I beg leave to state, Mr. Speaker, that I was personally informed by Judge Durell—

[Cries of "Out of order."]

A motion to adjourn was lost, and Mr. Chamberlain's motion thereupon carried.

Mr. Chamberlain presented a resolution requesting the speaker to inform

his excellency the governor of the resignation of the Hon. R. McDonnell, representative from the eighth ward, third district.

The resolution was adopted.

The joint resolution, directing the State treasurer to pay the salaries and expenses incident upon the continuance of the land office came up.

MR. FOLEY—Mr. Speaker : I think that any further proceedings will be unconstitutional, until we first take up and dispose of the unfinished business of last session.

THE SPEAKER—There is no doubt of that, sir.

MR. CHAMBERLAIN—Mr. Speaker : I believe that statement is entirely correct, but would suggest, as chairman of the Committee on Unfinished Business, that it will require a few days in which to arrange our business. As we have neither adjourned, or taken a recess, it seems to me that we had better go on with what business we can transact, until such time as the committee can report. The first matter we should take up is the joint resolution relative to the election of United States senator, and I accordingly call for the reading of it.

The resolution referred to, directing a joint session of the General Assembly to be held in the Hall of Representatives on Monday, the 7th inst., for the purpose of electing a United States senator to fill the vacancy which occurs on the 4th March, prox., was read, and the rules having been suspended, was passed on second and third reading together with its title.

The report of the Committee on Auditing and Supervising the Expenses of the House, was received and adopted, as was the report of the Committee on Finance.

MR. TULLY—I move a suspension of the rules for the purpose of taking up the appropriation bill for paying the expenses of the House.

The rules were suspended and the bill adopted, with its title, on third reading.

The report of the committee appointed to examine the books of the State auditor and treasurer, was received.

MR. CHRISTIE—Mr. Speaker : I beg leave to correct an error in that report. I am credited with one hundred and forty-nine dollars returned by me to the State treasurer, whereas I hold in my hand a receipt from that gentleman, showing that I returned to him three hundred and forty-nine dollars.

MR. BOVER—I move the report be referred back to the committee for correction.

The motion was carried.

Mr. Seymour : "Acts to amend articles 49, 139, 189 and 241, of the Code of Practice."

On motion carried, the House adjourned until 12 M., of Thursday, the 5th instant.

THURSDAY, January 5, 1865.

The House met, pursuant to adjournment, when Rev. Mr. Gilbert offered prayer, and the minutes were adopted as read.

Messrs. Belden, Dejean and Ennis were excused from attendance.

Mr. Prescott offered a resolution, providing that no clerk or employé of the House shall, from this date, receive a larger *per diem* than the members thereof.

Motions were made to adopt and lay on the table.

MR. KAVANAGH—Mr. Speaker: If I am not mistaken, the very gentleman who offers that resolution voted in favor of giving the only person connected with this House (Mr. Trenchard, who does receive a higher *per diem* than a member) that compensation. As long as we have passed that resolution, I do not consider it proper for us to rescind it after this lapse of time, but do not wish to debar any other deserving employé of this House from receiving a merited equivalent for his services.

The motion to table was lost—yeas 13, nays 48—and the resolution thereupon adopted.

Mr. Prescott presented a resolution, requiring the clerk to register and bring up in order, bills, etc., excepting appropriation bills.

MR. BOVSE—Mr. Speaker: I see no necessity of this resolution, as the clerk appears to have both known and performed his business well enough. A suspension of the rules is required to bring up any bill out of its order, whether it be for appropriations or not.

MR. PRESCOTT—Mr. Speaker: I wish to say, that the resolution is of more importance than it might at first sight appear to be. I do not wish to enter complaints against any member or employé connected with this House, but great injustice has been done certain parties on this floor, in regard to the lack of order observed in the reading of bills brought before us. Some of the most important of all the bills upon which we are to act, have been lying for six, and some of them for even eight weeks, upon the secretary's desk, while other trivial bills—that is, bills of no importance at all, and of recent origin—have been read and passed. Why this partiality has been observed, I cannot understand. I have myself remonstrated in regard to this practice, but my remonstrances have been of no effect.

For these reasons, I have presented this resolution, believing that only it, or something of like import, can settle the matter. I therefore hope that the House will entertain it.

MR. FOLEY—I move the adoption of the resolution.

The motion was carried.

Mr. Lewis offered a resolution, that the unfinished business of the last session be taken up and placed on the calendar at the same stage as it was at the time of closing of that session.

MR. LEWIS—That is a copy of a resolution which has been adopted in the Senate, and I move its adoption.

The resolution was adopted.

MR. O'CONNER offered a resolution declaring the office of sergeant-at-arms to be vacant, and ordering an election to fill that vacancy on the 6th inst.

A motion to table was lost—yeas 17, nays 32.

MR. DUANE—**MR. SPEAKER**: It seems to me, that we now have a sergeant-at-arms, duly elected by this body, who is now only temporarily suspended. I cannot understand how it is possible for us to elect another functionary of that description, until we discharge the present incumbent, against whom, I believe, there are no charges. I trust that the House will bear in mind and consider this proposition.

MR. SEYMOUR—The resolution declares the office vacant, and we, therefore, have a perfect right to elect another person to fill the vacancy.

THE SPEAKER—The chair decides the resolution to be in order, as the sergeant-at-arms holds his office entirely at the pleasure of the House.

MR. KAVANAGH—**MR. SPEAKER**: I think the gentleman is mistaken in his assertion that there are no charges against the late sergeant-at-arms and am confident that if the resolution suspending him were reconsidered, the military authorities who have charge of him, would not allow him to re-appear upon this floor. It strikes me that we had better allow the matter to drop, and not attempt to interfere with that authority.

The resolution was adopted—yeas 43, nays 19.

The Committee on Internal Improvements reported in regard to the New Orleans City Railroad Company, and presented a resolution regarding the matter. It also reported regarding the New Orleans Gas Light Company.

The first report and accompanying resolution was adopted; the same disposition being made of the second report.

The committee to whom was referred the examination of the books of state auditor and state treasurer, presented their report approving them, which was adopted.

The secretary of the Senate presented for concurrence a joint resolution, appointing a committee of three from the Senate, and ——— members from the House, to inform his excellency the governor that the General Assembly was organized, and ready to receive any communications from him.

A committee of five was appointed, on the part of the House, to wait upon his excellency.

MR. BADGER—**MR. SPEAKER**: If in order, I move the suspension of the rules, to take up the bill defining the duties of State tax collectors.

MR. CHAMBERLAIN—It seems to me, **MR. SPEAKER**, that this motion is contrary to the resolution introduced this morning by my friend on the left [**Mr. Prescott**].

The motion to suspend the rules was lost—yeas 20, nays 22.

Unfinished business of the last session was taken up.

MR. MICHEL—I believe that the report of the Judiciary Committee comes under that head.

MR. FOLEY—Bills on the third reading are in order.

THE SPEAKER—There are none such.

MR. BAUM—I move that the unfinished business be postponed until next Monday.

THE SPEAKER—The motion is unnecessary. The clerk has not yet had time to arrange his books in accordance with the resolution adopted this morning. A motion to adjourn was lost.

An act to repeal article 114 of the Code of Practice was adopted.

The Senate announced its concurrence in the appropriation bill for defraying the expenses of the General Assembly.

The Hon. Wm. A. Prescott was called to the chair.

MR. HOWES—I move a suspension of the rules to take up, on its third reading, the Mississippi and Bayou Lafourche Land Improvement Company bill.

MR. BOUDREAUX—I move the motion be laid on the table.

MR. FOLEY—That bill comes up as unfinished business of the last session.

MR. CHAMBERLAIN—Mr. Speaker: If that assertion is correct, the bill must be at the very tail-end of it all, and has no priority here. There are many other bills that have the preference, and we must suspend the rules, in order to take it up on third reading. Unless that is done, it has no business at all here.

MR. SEYMOUR—I move we adjourn.

The motion was carried, and the House thereupon adjourned until 12 m., Friday, the 6th inst.

FRIDAY, January 6, 1865.

The House met, pursuant to adjournment, at 12 m.

Prayer was offered by the Rev. Mr. Thomas.

A report of the committee appointed to wait on the governor and inform him that the General Assembly is organized, and ready to receive any communication, was submitted.

MR. MICHEL—I wish to state, that is a mistake; the House is not organized.

The report was adopted.

A resolution was offered, excepting the warrant clerk from the resolution adopted yesterday, providing that no clerk or employé of the House shall receive more than the *per diem* of members, and making the salary of twelve dollars per day a full compensation for his services as warrant clerk and clerk of the Finance Committee.

MR. CREIGH—I move to reject it.

MR. PRESCOTT—In framing the resolution yesterday, I was not aware that our warrant clerk was attached to a committee. I thought his duties were

simply to attend to the disbursement of the money of the General Assembly, but I find he is clerk of the Committee on Finance, and is, therefore, doing the work of two clerks; and had I been aware of it, I should have excepted him. As far as I am concerned, I think the request is reasonable.

The motion to reject was carried.

Mr. Lewis offered a resolution, that no more changes be made in the salaries of officers and employes, without a suspension of the rules.

MR. CREIGH—I move to lay that on the table.

Lost and the resolution adopted.

Mr. Michel offered a resolution directing the Committee on Internal Improvements, to whom was referred the investigation of the affairs of the New Orleans and Carrollton Railroad Company, to report before Tuesday, January 10th.

MR. PEARSON—I would state, that the chairman of the committee is sick, and he has much information and many documents relating to the company.

MR. MICHEL—This was one of the first things referred to the committee and they have reported on every thing else.

MR. PEARSON—The gentleman referred me to the mayor of Carrollton for information, which was not received until a day or two ago, and the chairman being sick, the committee have not had a meeting since.

The speaker designated Mr. Pearson as acting chairman of the committee, and the resolution was adopted.

A joint resolution was presented, authorizing the state treasurer and tax collector to receive the now outstanding State warrants in payment of taxes.

MR. FOLEY—That is entirely unnecessary, inasmuch as the State is obliged to receive these warrants in payment of its debts.

The rules were suspended and the resolution passed on first reading, when the rules were again suspended to put it on second reading.

MR. CHAMBERLAIN—Mr. Speaker: An amendment is necessary to this resolution, that is, it is necessary to strike out the words "now outstanding," otherwise the treasurer will only receive those warrants paid out on the week last, and will refuse to receive those which may hereafter be issued.

The amendment was carried, when the resolution was adopted, as was the case on third reading—the rules having been again suspended.

MR. BAUM—I now move, Mr. Speaker, that we proceed to the election of sergeant-at-arms.

The motion was carried, whereupon Messrs. O'Conner and Terrebonne were nominated.

MR. FOLEY—I consider the nomination of an honorable gentleman of this House (Mr. O'Conner), to the office of sergeant-at-arms, to be nothing more or less than a gross insult to this House.

MR. O'CONNER—I decline the nomination.

MR. PEARSON—I move that Mr. Terrebonne be declared sergeant-at-arms by acclamation.

The motion was carried.

MR. CHAMBERLAIN—Mr. Speaker : I would report, on behalf of the Committee on Unfinished Business, that we have prepared a sufficient amount of work to engage the House for probably a week to come. The House can accordingly proceed with the regular routine at once.

Mr. Boudreaux : A bill for the relief of the loyal planters of the State of Louisiana.

The Judiciary Committee : Acts to amend articles 275, 280, 413, 576 of the Code of Practice.

The bill to provide for increasing the revenue of the State, and the Hon. John Foley's substitute thereto, were taken up.

MR. CHAMBERLAIN—It is necessary, Mr. Speaker, for the House to go into a Committee of the Whole, in order to discuss this matter.

MR. SEYMOUR—Thirty or forty bills have the precedence of these, and I cannot understand by what right they are now intruded upon the House.

MR. CHAMBERLAIN—The different bills have been registered by the clerk as presented to this House, and the committee have arranged bills in that order as indicated. The gentleman's misapprehension grows out of the fact that the rules have been constantly suspended, to allow the passage of bills.

MR. PEARSON—I move that the matter be made the order of the day for Monday next, in Committee of the Whole.

MR. SEYMOUR—I move to lay that on the table.

MR. FOLEY—The rules must be suspended before the House can regularly entertain that question. It is a rule of this House that the business of last session must have the precedence of any other.

MR. CHAMBERLAIN—I move we go into a Committee of the Whole, to discuss this bill.

The motion was carried, and the Hon. F. G. Chamberlain took the chair.

MR. CREIGH—I move the rejection of both bills.

MR. CHRISTIE—Mr. Speaker : I move that the House rise and report progress. My reasons for making this motion are simply these : both of these bills are now before the House, but there is so great a discrepancy between the provisions of them that I do not see how we can reconcile them, at the present moment. It seems to me that it is best to refer the whole subject to a special committee, who can present the two bills in one, or frame a new one, embracing all the desirable provisions of both.

The bills are good enough as far as they go, but they do not reach every business—as any one, observing them carefully, must see. I, therefore, think that the House would save much time by adopting the motion I now make, that the House rise, report progress, and direct its chairman to recommend

the appointment, by the speaker, of a committee of seven, to draw up a revenue bill.

The motion was carried, and acted upon accordingly.

A message from the Senate announced the signing, by the president thereof, of the appropriation bill.

MR. HOWES—I move a suspension of the rules, to take up the land improvement bill.

A motion to table was lost, and the original motion thereupon carried, when, for the information of the House, the substitute was read.

MR. BURKE—Mr. Speaker: There has been no printed copy of this bill before the House, and it seems to me very strange that so desperate a move is being made to rush so important a bill as this through this House.

THE SPEAKER—The gentleman will come to order. There is so much noise and confusion in the House, that I am obliged to direct the sergeant-at-arms to take charge of any member who refuses to obey our rules, and, if necessary, to arrest him. [Applause.]

MR. LEWIS—I call upon you, Mr. Speaker, to pronounce this act unconstitutional, in view of article 121 of the constitution. If gentlemen wish to secede and thus pass this bill, they can do so, but I am not quite secessionist enough to join them.

THE SPEAKER—I understand that this bill is to be taken up section by section, and I shall, under that resolution, permit discussion accordingly.

MR. FOLEY—I object to the entire bill, Mr. Speaker, as I believe it is unconstitutional. I offer a substitute for it, entitled "An act to facilitate the works of the Bayou Lafourche and Mississippi Land Improvement Company."

MR. POYNOT—I move that the reading of the substitute be suspended until a hundred copies of it are printed at the expense of the company.

The motion was tabled and the substitute thereupon read—its adoption being moved, as was its rejection.

MR. CHAMBERLAIN—Mr. Speaker: I object to the bill, as according to our rules, it is considered adopted if no objection is made.

I object in the first place, because our constitution provides that no corporation shall be established by special laws. If you turn to article 121 of the constitution, which says, "Corporations shall not be created in this State by special laws, except for political or municipal purposes; but the Legislature shall provide by general laws for the organization of all other corporations, except corporations with banking or discount privileges, the creation, renewal or extension of which is hereby prohibited," you will see that I am right.

Perhaps some gentleman will declare this company is to be founded for political purposes. Let us look at the definition of a political corporation. Article 420, of the Civil Code declares that "Corporations are of two kinds—political and municipal. Political corporations are those which have for their object the administration of a portion of the State."

Now, sir, there is no such thing as a political corporation in the United States of America, and never was. The only corporation of that character in North America, is the Hudson Bay Company; although I believe there was a North Western Fur Company, amounting to the same thing; the East India Company is another example coming under this head. These corporations are those to which are handed over a portion of the State for government, and I trust there is no gentleman upon this floor—as has been already remarked—who is so much of a secessionist as to wish to give over a portion of this State to some other power. The Confederacy already possesses a part of it, and the remainder of it is not large enough for its loyal inhabitants. I presume that there is no one upon this floor so ignorant as not to understand what is meant by the term “municipal” corporations, the purpose of which is to more perfectly carry on and govern society.

Again, the bill is contrary to article 124 of the constitution, which says: “Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value, to be ascertained by law. The General Assembly shall have power to exempt from taxation property actually used for church, school, or charitable purposes.” But these gentlemen propose to exempt from taxation, property worth a million and a half of dollars, for the period of ten years. I am only surprised at their modesty in asking for so short a term as they have.

It is also contrary to article 127 of the constitution, which directs that “none of the lands granted by Congress to the State of Louisiana, for aiding in constructing the necessary levees and drains to reclaim the swamp and overflowed lands in the State, shall be diverted from the purposes for which they were granted.”

It is also contrary to article 144, of the constitution; thus we see that it is in direct contravention of no less than four different articles of the constitution of 1864, as it also is of the statute of 1857, providing the manner in which corporations shall be established. If these gentlemen are so anxious to organize this corporation, why don't they do so according to law, and not try to rush a bill of this unlawful tenor through this House.

If I rightly understand the purport of the substitute, it is merely an amendment to some act which has already passed. Now that substitute must be clearly contrary to article 118, of the constitution, which provides that “every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title;” it is also just as clearly contrary to article 119, of the constitution, which reads, “no law shall be revived or amended by reference to its title: but in such case, the act revived, or section amended, shall be re-enacted and published at length.” Why do not the gentlemen comply with the directions of these sections, by rehearsing the whole act of incorporation, that we may understand what it is, and also by arranging the whole under proper titles?

I think, sir, without occupying the time of this House further, that it is your duty to declare this bill unconstitutional and out of order, thus obliging the parties interested in obtaining an act of incorporation to proceed according to that law, which is clearly laid down in the Revised Statutes of Louisiana, 1856, page 112. I think that these parties have no right to bring up again this bill, which has already cost the State at large a great expenditure of money, and been to ourselves a source of continual trouble and vexation, all to no purpose whatsoever, for the Senate will condemn it as unconstitutional and out of order, as we might as well do before proceeding farther.

MR. PRESCOTT—Mr. Speaker: The fact of the unconstitutionality of the first bill is admitted. We discovered that ourselves, and did not need the great acumen of the last speaker to detect it. But I contend that the substitute is perfectly constitutional, and need only to say, in support of this ground, that it was drawn up by three or four of the most eminent lawyers of this State.

MR. CHAMBERLAIN—Article 124, sir?

MR. PRESCOTT—That was consulted, and the original bill found to conflict therewith; but I claim that all objections to the substitute are wholly untenable. The fact is—though probably but few are aware of it—that the company have gone before a notary public, and are even now regularly organized. It is, at the present time, operating with two steamers, a saw mill, and several other like accessories, on that large portion of this tract—or, to speak more accurately, of an adjoining tract—which they have purchased at private sale. As they have complied with this very article of the constitution, I do not see any illegality whatsoever in their proceedings. The first bill was not drawn up by a lawyer—only by a student at law—and on comparing it with the existing acts, we found it conflicted with them; though, by repealing certain portions of them, the object might yet be accomplished. I did not notice any conflict with the constitution, but Gen. Swift did, and pointed out a method of avoiding it, with which others, as well as myself, coincided.

The substitute does not partake of the objectionable character of the original bill, as it restricts the company to forty-five years enjoyment of their franchise; makes it pay for lands as soon as occupied, or when brought under cultivation; obliges it to give bonds and security for the payment of the whole amount. Whenever, under this substitute, a tract is sold, or permanently occupied, for the purpose of getting the timber off and preparing it for cultivation, a certain sum must be paid; and, at the expiration of ten years, the whole must be settled for, though the company has the privilege of paying for any portion by installments, during this period. According to this act, the State receives a lien on the land; and I, for one, cannot see any objection whatever to the project. I am willing to sell my land, as are many others that belonging to them, provided we can be secured by a lien; and as the State asks nothing more than this, I cannot understand how it can be injured by an operation of this kind.

The other points which the opponents of the bill have advanced, I do not consider worthy any consideration.

I trust that the House will not take advantage of any slight irregularity which the bill may contain, as its object is a truly worthy one—nothing less than the development of the resources of our State. These can be in no way made available, except through the instrumentality of large companies. We should consider that a new era is now being inaugurated. If this grand scheme succeeds, as we have every confidence that it will, numberless others of a similar character will be undertaken, whereby the latent wealth of our soil may be made productive, and the State be placed in that rank which she should hold among her sisters. We surely should not reject any measure which, while promising some return to private individuals, will certainly prove of so great benefit to the State at large.

The State has utterly failed in her attempts to reclaim these lands, when rich; can she do it now? Where the State fails, can an individual succeed? I say not; but a properly constituted company can work, where others must and will fail. Therefore I think that we shall do a great act of justice to the people, as a whole, by adopting the substitute which has been presented to us. If these lands were brought under cultivation, or if there was a reasonable prospect of its being done, every acre would more than pay the price which the fee simple of other lands of a similar character is worth; but if the effort to bring about this result fails, no similar project will be attempted, and the State will remain in her present third rate position—though I doubt if she does not rather hold a sixth rate one. We all wish her to hold a first rate rank in this Union, which can only be done by availing ourselves of every entertainable means of developing her resources.

MR. LEWIS.—Notwithstanding the talented lawyers of whom the gentleman has so eloquently spoken and his plausible apostrophe, I renew and call for my motion to reject.

MR. BOUDREAU.—Mr. Speaker: If my recollection serves me right, one clause of this bill provides that this company shall have the right of collecting a certain amount per ton on all vessels which may pass through the locks, canals, etc., which are to be built; also, that the country through which these flood-gates, etc., are erected, shall bear a certain proportion of the expense incident upon their construction. This clause includes Bayou Lafourche, and as that is sufficiently navigable at the present time, I protest most emphatically against laying any heavier burden of taxation upon that already tax-ridden community, in order that some other part of the State may receive the exclusive benefit thereof. I would be in favor of the bill if some slight amendments should be accepted, and therefore hope it will pass to a second reading, in order that they may be incorporated therewith.

MR. FOLEY.—I understand, sir, that this is the third reading, inasmuch as it is offered to a bill on this reading.

THE SPEAKER—That is clear.

MR. CHAMBERLAIN—Amendments offered, or substitutes for a bill on third reading, must be read three times. The substitute is, therefore, on the first reading.

MR. DANIEL—Mr. Speaker : This company, as it is called, possesses nothing like the means necessary to carry out an enterprise of this magnitude. They only have capital enough to build one or two saw mills, and as both the general and state governments have failed in their attempt to achieve this same proposed end, I very strongly believe that the only real object of this company is to cut and pocket the proceeds from the cutting of the timber growing upon these lands.

MR. CHRISTIE—Mr. Speaker : You have already decided that this bill has been only read for information, and I cannot, therefore, conceive the propriety or necessity of discussing it at the present time.

THE SPEAKER—Discussion is allowed on the motion to reject.

MR. LEWIS—According to the originators of the bill, it sinned, and the child must suffer for the sins of the parent.

MR. BRECKENRIDGE—Mr. Speaker : I much regret seeing this honorable House occupying so much time in the discussion of so small a matter as this bill, and more especially so, since we have much other business of greater importance to transact.

I am opposed to this bill, for the reason that I think we had much better let the swamp lands alone, and endeavor to reclaim uplands from the guerrillas who now infest them, leaving the lowlands to take care of themselves.

A motion was made to adjourn.

MR. FOLEY—That motion cannot now be made, inasmuch as there is a question now pending before the House.

MR. CHAMBERLAIN—I believe I have the closing of the debate, which I beg leave to defer until our next session.

MR. FOLEY—I call for the question on the rejection of the bill.

THE SPEAKER—Are you ready for the question, gentlemen ?

MR. CHAMBERLAIN—No, sir. I wish to speak on this question on another day.

THE SPEAKER—I shall order roll-call on the question of adjournment.

MR. FOLEY—I appeal from the decision of the chair, as I believe the motion to adjourn is not in order.

The chair was sustained—yeas 22, nays 5.

MR. FOLEY—There is no quorum. Call the House.

On motion carried, the House adjourned until 12 m., of Monday, the 9th instant.

MONDAY, January 9, 1865.

The House met, pursuant to adjournment.

Mr. Prescott offered the following resolution :

Resolved, That all papers belonging to absent members be retained for their use, and held subject to demand. If not called for, such papers shall be the perquisites of the messengers; and any officer of this House appropriating such papers to his own use, shall be dismissed.

The resolution was adopted.

Mr. Prescott presented the following resolution :

Resolved, That an inquiry be made into certain appointments made by U. D. Terrebonne, sergeant-at-arms—such appointments not meeting the approbation of a large number of the members of this House.

Tabled.

Mr. Foley presented the following resolution :

Resolved, That the employés of this House during its first session, be continued during the present session.

Rejected.

MR. LASTER—I move that the appointments made by the sergeant-at-arms be confirmed.

MR. PRESCOTT—I move to lay that on the table.

Lost, and motion carried.

The Committee on Auditing and Supervising the Affairs of the House, reported that they had audited bills to the amount of \$728 95.

Adopted.

MR. KAVANAGH—As chairman of the special committee on the police bill, I report progress.

MR. FOLEY—I move the report be rejected, and the committee discharged. They have had the bill before them for the last month.

MR. KAVANAGH—I will state, the committee had a meeting this morning, and by next Wednesday we shall be able to make an elaborate report.

MR. FOLEY—I withdraw my motion, then.

MR. LASTER—This being the day appointed, I move we go into an election for United States senator.

Carried.

The members of the Senate were received, and Lieutenant Governor Wells took the chair.

The roll being called, 24 members of the Senate and 68 members of the House responded.

LIEUT. GOV. WELLS—The General Assembly, in joint session, will now proceed to elect a United States senator, whose term of service will commence on the 4th of March next, and continue six years.

His excellency, Governor Hahn, and Hon. Charles Smith were nominated.

The roll was called, with the following result :

	GOV. HAHN.	HON. C. SMITH.
Senators.....	23	1
Representatives.....	69	1
	<hr/> 92	<hr/> 2

The Hon. Michael Hahn was therefore, duly elected, and on motion, declared the unanimous choice of the General Assembly.

MR. SEYMOUR—I move that a committee of five from the House and four from the Senate be appointed to wait on his excellency, the governor, and inform him of his election.

MR. MONTAGAT—I move, as an amendment, that the committee be instructed to request Governor Hahn to address the General Assembly immediately.

The amendment was accepted and the motion carried.

The following gentlemen were appointed: Senate—Messrs. Jones, Hills, Benson, Barrett. House—Messrs. Seymour, Laloire, St. Martin, Foley, Bouligny, Robinson, Baum.

The committee conducted Hon. Michael Hahn to the platform, who, on being called upon, spoke as follows:

Mr. President, Mr. Speaker, and gentlemen of the Senate and House of Representatives: The compliment which you have conferred upon me this day, is one which I feel in my heart I do not deserve. There are other gentlemen, distinguished loyal citizens of Louisiana, who could represent you more worthily than myself in the highest legislative body known upon the face of earth. I accept the position which you have conferred upon me with extreme diffidence, perfectly conscious of my inability to do justice to the confidence which my fellow-citizens have reposed in me. But, fellow-citizens, although my abilities may be feeble, and unequal to the emergency, I assure you that my heart is full of the good cause, and I am determined to represent you as worthily as my abilities and my heart will allow. [Applause.]

In selecting me you have endorsed the principles of which I have been made, unwillingly, so far as I am personally concerned, the champion in this State. Well do I remember, on the 1st of February of last year, of addressing my fellow-citizens in this very room, when I was nominated to the exalted position, to which I was subsequently elected, as Governor of this State. I then made a declaration, which I can say before Heaven and my fellow men, I have faithfully carried out. [Applause.] That was, that if I was elected Governor, from the day of my inauguration there should not be a slave in the State of Louisiana. [Loud cheers.]

For the success of that principle I have labored, but I have not been alone. You have given me a willing and patriotic hand in this good work, and when the day of reckoning comes, every true Union and Free State man of Louisiana shall receive that which is justly his due. [Cheers.] If there is any State within the broad limits of our glorious Union that should be dear to patriots, it is the State of Louisiana. She has suffered more and made greater sacrifices for the cause of the Union, than any other State. There are faces around me here to-day, that are the best evidence of the truth of this assertion. Look at your distinguished lieutenant governor—a man who, exiled from the wealth and comfort at his own home on the banks of Red river, has given up thousands and thousands of dollars worth of property—given up the institution of slavery in which he was reared—given up everything for the sake of that country, whose power and glory is represented in the beautiful flag which ornaments this town. I see throughout this hall men from all parts of Louisiana, who have made similar sacrifices, and I hail you each and every one as a brother in this great cause, and ask you to stand by me until it is triumphant, and nothing but the Union thought of or supported. [Applause.]

Fellow-citizens—With a free State permanently organized and securely established, at the mouth of this great river, slavery will die throughout the country. Slavery could not exist in any of the Southern States, if Louisiana was recognized and maintained as a free State, no matter what may be the result of this war. This will be the great outlet to all the commerce of the Mississippi river and surrounding inland States. This will be the place to which emigration will tend; and it would be impossible for any one, in any neighboring State, to preserve the institution, when there was a door opened to the slaves in the great city of New Orleans and State of Louisiana.

But, gentlemen, I did not come here with a view of addressing you. I feel that the solemnity and importance of the occasion which has called me here would require from me more consideration and arrangement of my remarks; but I thank you sincerely for the distinguished, yet unmerited compliment, you have paid me. The honor which you have done me to-day is one which, each of you can safely affirm, I did not ask for. [Applause.] It is, therefore, the more highly appreciated, and fills me with increased determination to come up to your expectations, and be, as far as heart and mind will enable, a true and worthy representative of this Legislature and this glorious State. [Great applause.]

The Senate then withdrew, and the House, on motion, adjourned until the usual hour, Tuesday.

TUESDAY, January 10, 1865.

The House met, pursuant to adjournment, Hon. John Foley presiding.

Mr. Tully presented the following resolution:

Whereas, The treasurer of the State of Louisiana has refused to pay certain warrants drawn on the treasury by the auditor of public accounts, for the *per diem* of members of the General Assembly; and

Whereas, There is now, in the treasury, money appertaining to the general fund of the State;

Be it therefore resolved, That a committee of three be appointed by the speaker of this House to examine into this abuse of authority and self-usurpation of power.

Resolution adopted.

The Committee on Internal Improvements submitted a report relative to hiring buildings for the use of State offices, 186 and 188 Gravier street, and recommended the renting of two buildings, for the purpose, at a rent of \$1200 each.

MR. HARNAY—I move that the report be referred back to the committee, for them to ascertain if one building will not answer the purpose.

MR. BOVEE—One of these buildings will not be sufficient to accommodate all these offices. There are four vaults in the two buildings, and there would be but two in one of them. The upper portion of the building will have to be used for the library. These are excellent buildings, and cheaper than any others that can be found. The rent is but \$1200 each, while they used to bring \$3000 each per annum.

MR. SEYMOUR—I believe they can get along with one building. In the present building they have not a single vault, and the lower part of the

building is occupied by shoemakers. I think it would be better to refer the report and accompanying resolution back to the committee.

Motion to refer carried.

The following members gave notice of their intention to introduce bills :

Mr. H. C. Belden : A bill entitled "An act to enable certain persons to construct a steamboat canal from Vermillion Bay to Sabine river, at a point near the mouth of the river Neches, in Texas."

Mr. Breckenridge : "An act granting bounties of lands and money to all those in the State of Louisiana who may hereafter volunteer in the United States army."

Mr. Christie : "A bill to authorize the state treasurer to receive expense warrants in payment for State lands sold, and for other dues to the State."

Mr. Seymour, on behalf of the Committee on Judiciary, gave notice that he will introduce the following bills :

"Acts to amend articles 634, 635, 646 and 647, of the Code of Practice."

The Senate bill relative to practitioners of medicine, was adopted.

The joint resolution from the Senate, authorizing the governor to appoint a committee composed of members of the bar, to harmonize and revise the Civil Code and Code of Practice, was rejected.

The bill to make an appropriation to defray the expenses of the presidential electors of \$450, or such part of it as might be required, was taken up.

Mr. SEYMOUR—I move to reject.

Mr. CHRISTIE—The custom has always been to pay the mileage of these gentlemen and their incidental expenses. The amount is small and I think it would be highly improper to reject the bill. In former times as high as \$2000 have been granted for this purpose.

Mr. SEYMOUR—If these gentleman had been elected up in the parishes and came down here, I should have had no objection ; but they came from New Orleans, with but one exception, Mr. Schaffer of Carrollton. If he has not the funds to pay his way down here, I would cheerfully advance it.

Mr. CHRISTIE—That may be applicable to Mr. Schaffer, but it is not to Judge Belden, who came from Lafourche. It is possible he was here on business, but that has nothing to do with the case. I do not know that he asks for a cent, but some of the gentlemen do ask for the payment of their expenses, and be it much or little, there should be an appropriation for that purpose.

Mr. BRECKENRIDGE—I think the honor of casting a vote for "Old Abe," is a sufficient compensation.

Mr. H. C. BELDEN—I think this a fair and just bill, and do not for a moment suppose a majority of this House is disposed to deprive these gentlemen of the mileage due them. Such an appropriation has been made ever since Louisiana has been a State. Whether the men were present in the city on the day of election, or reside here, is a question altogether foreign to this bill. Some of them are from parishes beyond the Federal occupation, and

have been obliged to leave their homes, and are living here temporarily. As they have been elected from these parishes, is it not a great hardship to deprive them of their just claim as presidential electors? I say they are entitled to it. We have a new order of things since the commencement of the war, but I am sure you will not violate or disregard the usages so long established in the State. The amount is small indeed, and reference to legislative acts will show that appropriations have been made far exceeding this.

MR. SEYMOUR—It should be remembered that one of the gentlemen who served as elector—the sheriff of Orleans—receives about \$40,000 a year; another, the sheriff of Jefferson receives some \$12,000, and every one of these men hold good positions, even down to Judge Belden, who had been here a week before his election, consequently he did not come for the purpose. I do not think the gentlemen need the money, and we need not make any such appropriation.

The motion to reject was lost—yeas 26, nays 38.

An act to amend article 3501 of the Civil Code of Louisiana was adopted.

An act to amend clause 16 of article 3522 of the Civil Code was adopted.

MR. HARNAN—I move that the Bayou Lafourche and Mississippi Land Improvement bill be now taken up.

THE SPEAKER *pro tem.*—It is for the House to decide whether or not the bill is to come up as unfinished business.

MR. CHAMBERLAIN—That cannot be. The substitute is a new bill, offered this session, and cannot come up till all the business of the last session is disposed of.

A call of the House being demanded, sixty-one members responded to their names.

MR. PRESCOTT—I contend that the Land Improvement bill is the order of the day. The substitute has been adopted, and inherits all the rights and privileges of the original bill.

MR. CHAMBERLAIN—The substitute has not been adopted; it was merely presented.

MR. PRESCOTT—Whether it is or not, I contend that it has the rights of the original bill. No bill ever presented to this House has met with more factious and malicious opposition than this. Neither I, nor the gentlemen who support it, intend to be defeated by any malicious opposition. Whenever the bill has come up for consideration, it has been postponed by adjournments, and various other means. This bill ought to be considered, in place of the bill for which it is a substitute, and is entitled to the same privileges, which I claim to the fullest extent.

THE SPEAKER *pro tem.*—I will state what I believe to be the correct stage of the bill at the present time. The original bill was on its third reading, and the substitute was offered during its passage. It is my opinion that the

substitute takes the course of the bill on its third reading. If the gentleman can show any authority by which he can sustain his opinion, my position will have to be reversed.

MR. CHAMBERLAIN—Jefferson's Manual says that amendments to a bill on its second reading must be read twice, and to a bill on its third reading, must be read three times. In regard to the factious, malicious opposition to the bill, allow me to inform the gentleman that the objections have been based on constitutional grounds.

MR. SEYMOUR—I move the decision of the chair be sustained.

THE SPEAKER *pro tem.*—I will state that amendments have been offered here to nearly every bill, and have never been read but once.

The chair was sustained—yeas 42, nays 18.

The substitute was then read.

MR. TULLY—I move its rejection.

MR. CHAMBERLAIN—What is this bill—a bill to incorporate the company, or an amendment to the bill? It says "to facilitate the works of the Bayou Lafourche and Mississippi Land Improvement Company." Then, there must be such a company, for if I understand the English language, to facilitate means an amendment to further carry out or amend their charter. If so, it is unconstitutional. I suppose I shall be voted down, as before. It took two readings to find out the other was unconstitutional, and I presume it will take about as long in this case. Article 119 of the constitution says, "no law shall be revived or amended by reference to its title; but in such case the act revived or the section amended shall be re-enacted and published at length." Where is the charter to which this is an amendment? The bill provides that this Land Improvement Company shall exist for forty-five years, positively contrary the statute which says "no corporate body shall have an existence longer than twenty-five years."

THE SPEAKER *pro tem.*—Are you speaking to the first section? The bill is to be taken up section by section.

MR. CHAMBERLAIN—The objection to the whole bill applies to the first section. This bill does not tell where the corporation is, or any thing about it. Article 121 of the constitution prohibits the introduction of a bill of this character into the Legislature altogether. We have no right to legislate by any special law. It says, "Corporations shall not be created in this State by special laws." Is not this a special law? It also says, "the Legislature shall provide by general law for the organization of all other corporations." We have such a law in the statutes, page 114.

Article 118 say: "Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title." There is neither object nor title to this bill. It is the most absurd fiction that I ever saw presented to any legislative body. Fraud, and nothing but fraud, is exhibited on the face of it. There is nothing plain in its design or execution but fraud.

MR. BAUM—I move to adjourn until to-morrow.

MR. HARNAN—I amend to to-night, at 6 o'clock.

Lost.

The motion to adjourn until to-morrow was also lost—yeas 21 nays 28.

MR. PRESCOTT—As to the constitutional objections raised by my illustrious friend, he is like the Irish schoolmaster described by Goldsmith:

“In arguing, the priest confessed his skill,
And e'en though vanquished, he could argue still.”

He has not met me with arguments, but with sophistry; and though it is a chain to a fool, it is a cobweb to a man of intellect. The gentleman has made an assertion which I will answer before citing the constitution on this subject. He asserted that we had practically admitted the constitutional objections, to this bill, by the withdrawal of the other. I well recollect on the first discussion of the bill no constitutional objections were raised; even the most formidable antagonist raised no such objection.

I admit the bill was unconstitutional, but it was not called in question at the time. The gentleman reminds me of an instance in the revolutionary war, where Gen. Cornwallis fired away for two days at Gen. Washington's deserted and abandoned breastworks. I am about as much damaged by the valuable assertions of the gentleman..

It is to be recollected, this bill is not a special law, neither is it a general law. This company has been incorporated before a notary public, and is already in existence and operation. Article 112 of the constitution says: “The Legislature shall not have power to grant aid to companies or associations of individuals, except to charitable associations, and to such companies or associations as are or shall be formed for the exclusive purpose of making works of internal improvement, wholly or partially within the State, to the extent only of one-fifth of the capital of such companies, by subscription of stock or loan in money, or public bonds; but aid thus granted shall be paid to the company only in the same proportion as the remainder of the capital shall be actually paid in by the stockholders of the company; and in case of loan, such adequate security shall be required as to the Legislature may seem proper. No corporation or individual association, receiving the aid of the State, as herein provided, shall possess banking or discounting privileges.”

It is evident the meaning of this clause is, that the State may not only grant permission for improvement companies, but also aid them by subscriptions to their stock.

If the gentleman will read the bill, he will find that the provision of the bill, in regard to security, is complied with to the fullest extent. This is not a banking company, but simply one for the making of internal improvements. Article 127 says, that the lands granted the State by Congress shall not be diverted from the purpose for which they were granted. We do not intend to divert them from this purpose, and the proceeds will be legally disposed of.

Article 149 says : " All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this constitution, and not inconsistent therewith, shall continue as if the same had not been adopted."

I have read this for the purpose of proving one point. This Legislature has not passed any general law on the subject of corporations, and there is a law already in force which legalizes the provisions of this bill. That law is in full force until repealed, and I therefore claim the protection of that law. Corporations of this character are not only fully recognized, but there is a clause of the constitution which provides that the State may recognize them, and take stock in them to the extent of no less than eight millions of dollars. If fuller recognition could be required, I cannot see where it can possibly be found.

MR. HAWTHORNE—I move to adjourn.

Lost—yeas 22, nays 29.

MR. PRESCOTT—I think I have successfully and triumphantly disposed of all the assertions of my puny opponents. There is a factious and malicious opposition, as I have stated, to this bill, although it is clear there is a majority in favor of it.

The progress of the bill has been obstructed by adjournments and every stratagem that can be practiced, but I ask the gentlemen who are defending this bill with me, and intend to vote for it, if they will allow the minority to rule them? If we are the majority on this question, we wish to have our privileges, and will have them, if it takes six months to gain them.

If the opposition wish to discuss it section by section, and offer amendments, we will adopt them, if they are worthy ; but I believe there is too much firmness, independence and patriotism in the majority, to allow the bill to be defeated by any ungrounded opposition that may be made. If the opposition is fair and legitimate, it will be met in the same manner ; but if of the character already indicated, the bill will be kept here as long as may be necessary to overcome it.

MR. BRECKENRIDGE—I would like to know who the members of this company are. They may be disloyalists, aliens, or foreigners, therefore I shall not vote for them. I have taken the iron-clad oath, and will never support a man who has not taken it. I am here to defend and advance the rights of Louisiana, and not those of persons whom I do not know. I saw in the commencement that there was fraud in this bill. They first tried to violate the constitution—that which we have sacrificed our lives to sustain, and now they have brought in another bill, which it is pretended is constitutional, but I shall oppose it to the last. I have fought the rebels, and I will fight their friends and supporters. I want to know what I am voting for, when the interest and welfare of the people of Louisiana are so intimately concerned. In this bill is fraud. They want twenty acres front on the canal, and then they say

they will construct a road twenty feet wide, but do not tell us how long it will be ; it may be only twenty feet long. If the gentlemen who oppose this bill are feeble in talent, their hearts are in the right place, and that is the principal thing.

MR. CHRISTIE—I am sorry to perceive that the gentlemen resort to unparliamentary practices, in the same breath in which they call for forbearance and consideration on the part of their opponents. I hardly supposed this bill would arrive at that state where it would create animosity and contention to the degree which has been evinced ; but I am glad to see there is so much feeling, devotion and patriotism existing in this House. I will not accuse the gentlemen of any intentional wrong in bringing this bill before the House, which they have labored for with an amount of ingenuity and perseverance in itself highly commendable ; but I believe there is something involved in this bill, when I see them resort to measures so much more violent and denunciatory than the mere patriotism and the duty they owe to their constituents would demand. It has been whispered abroad that certain members of this House have entered into collusion with certain gentlemen who exist in some corner, but do not feel called upon to come forward with their bill, and exhibit to the House the names of the gentlemen whom they desire to secure this great grant of land to. I had hoped to argue this bill, with a view of coming to a compromise. It is apparent that men cannot be brought to such persevering and indefatigable efforts, without having something more than mere patriotism and desire to do good to the people of the State.

I am almost afraid I cannot argue this bill on the ground I desire. It was my desire to secure to the people of Louisiana, through this useless neck of land, which extends westward and southward to the gulf, a highway for their use, forever to be held free from any tax, toll or impost whatever. This would have been highly beneficial to the State, and secured to the people a lasting and permanent benefit, compared with that which is almost worthless. I have been diverted from my purpose. I see around me a spirit of aggrandizement, which but illy accords with my views of patriotism to the State and honesty to constituents. I do not know that a single individual in my district is interested in this scheme. I have not been questioned on the subject by more than three or four individuals ; but I have understood by the explanations of the gentlemen, that this bill, having been presented in four or five different aspects, is now the result, the finished work, the masterpiece, if you please, of eminent and distinguished members of the bar of this city. I must take it upon myself to resent the imputation on the members of the bar of this city. Individual members of the bar may have had something to do with it, but not as a body. But with the explanation that the gentleman gives you, he is also generous enough to inform you, that the adjutant general, one of the ablest lawyers from the State of Massachusetts, has aided

in perfecting this. The sons of this State are found in all parts of the globe, and are a persevering, energetic, honorable and money-making class of people, but I hope this is not offered as an evidence in favor of the project. All that the gentleman advances would not weigh one feather in my estimation in regard to the question before the House. This bill is either a good thing, or it is a bad one. That is for the members of this House to decide. They have discussed and considered it long, and I think it is about time that something should be done. I believe I may assert without fear of contradiction, that we have been one month contesting this trifling matter of a land improvement scheme, at an expense of \$20,000 to the State, and as much more will be expended in the Senate. Let us be charitable and take up this bill and dispose of it. These gentlemen have offered to give the public the road which was contended for. They ask for twenty acres of land front on the river and bayous. I think five acres, in all conscience, would be sufficient for the necessary purposes. The road should be built the whole extent of the canal.

The first bill presented met with but little consideration; the next was discussed, and was on the point of being adopted, when the gentlemen thought they discovered certain unconstitutional features. They withdrew it, and presented this substitute, which has been taken up as if on its third reading, and is now to be adopted by sections.

I do not believe that my constituents ask for anything of the kind, or that the people of Louisiana, at this stage, want this bill; but if the majority of this House see fit to pass it at all, that should not be done without the engrafting upon it of the necessary amendatory clauses.

I am opposed to that spirit which seems to dictate to me and other members of this House, striving, apparently, to make us appear here as supplicants to a stock-jobbing corporation. I am not to be accused of a factious disposition, to injure or oppose this bill, and I might ask, upon the other hand, why these gentlemen seek to thrust forward this bill, and have already subjected this House to such needless expense and delay as have been incident upon its discussion? But such criminations are unworthy of us, and unbecoming gentlemen who have come here to legislate honestly.

Allow me here to say—although it is certainly a digression—that it ill becomes us to adjourn, as we do, from day to day; that it is unbecoming for gentlemen to decide questions of order, as is constantly done, when the speaker, whose duty it is to settle such questions, is asked for information on any point arising under that head. Let us henceforth endeavor to legislate as men, as gentlemen, as members of a great and honorable State, whose history will be written in letters of fire upon the pages of our country's affairs. We must endeavor to settle questions as they come before us—for the most important bills are yet to come before us for discussion—and we have done hardly anything since the third day of October last.

I hope gentlemen will excuse me for taking it upon myself to read such a

lecture, as it were, but the majority of you will see, I am satisfied, the propriety of my remarks.

MR. SEYMOUR—If the gentleman's remarks have finally come to a conclusion, I would like to know what side of the question he takes—whether he is in favor of or opposed to the bill?

MR. CHRISTIE—I am in favor of the State.

A motion to adjourn was lost, when the House was called and a quorum found wanting, whereupon the House adjourned until 12 m. to-morrow, the 11th instant.

WEDNESDAY, January 11, 1865.

The House met, pursuant to adjournment, when prayer was offered, and the minutes adopted as read.

Messrs. Tully, Corley and Poynot were appointed as a committee to examine into alleged usurpations on the part of the State treasurer.

Hon. J. T. Woods was added to the committee appointed to frame laws for the emancipated slaves, and the Hon. William A. Prescott appointed chairman *pro tem.* of the same committee.

The committee on framing laws for emancipated slaves reported the appointment of a clerk.

MR. EGAN—I move the rejection of that report, Mr. Speaker, as there are many committee clerks who are at leisure, and can attend to this committee.

MR. BADGER—I would like to know whether the gentleman is already a clerk upon any committee of this House?

MR. PRESCOTT—Mr. Speaker: I would state that this gentleman is not a clerk employed by this House of any committee of it.

I would explain to the House that the business on hand before that committee is extremely difficult and delicate, needing qualifications, on the part of its clerk, essentially different from those possessed by any clerk in the service of the House. For this reason, I wish the House to sanction the appointment.

MR. EGAN—I renew my motion.

The motion to reject was carried.

MR. PRESCOTT—Mr. Speaker: My reason for wishing the appointment of the gentleman is, that he is in communication with the United States authorities, who have in their possession valuable documents relative to the duty which this committee has to perform, which can be much more readily procured by him than almost any other person—certainly any other who is not, or has not been, in the United States military service.

MR. FOLEY—I move a reconsideration of the vote on this subject.

MR. CHAMBERLAIN—Mr. Speaker: I believe there is a resolution on the calendar of this House providing that special committees shall not be entitled to a clerk, who shall receive salary therefrom. I am quite positive of

this, as I offered such a resolution myself. That directs that special committees shall be entitled to a clerk who shall be in the service of a standing committee, who shall receive no greater or additional salary.

MR. EGAN—I would like to state, Mr. Speaker, that there are a dozen clerks of the standing committees of this House, who are doing nothing at all, whose services are at the disposal of other committees, as competent men as can be found.

MR. PRESCOTT—I wish to reiterate the remark, Mr. Speaker, that we need a clerk of peculiar qualifications, acquainted with the course which the United States authorities has pursued with reference to this same subject, in order that we may avoid all conflict with them.

I am not disposed to take any action in regard to the matter, unless this simple request is granted. If it is refused, I shall resign my position on the committee, both as member and chairman.

MR. CHRISTIE—I would inquire of the honorable gentleman as to what this committee is to do, and why organized?

MR. PRESCOTT—I would state, Mr. Speaker, that the object is one of very great importance, being nothing less than to frame laws with reference to manumitted slaves, in order to the efficient working of the plantations. To accomplish this end, two plans have been promulgated—one by General Thomas, and the other by General Banks, neither of which exactly meets the requirements of the country. There is also another system, of which the Hon. W. P. Fessenden, the secretary of the treasury, is the author, which I have not yet seen, though the committee hope to procure it.

We wish to frame from these different plans, an efficient code of laws, as upon such a system the future welfare of this State depends. We also wish to collect all the evidence on the subject, while endeavoring at the same time to avoid, in so framing this proposed code, all conflict with the authorities of both the United States and this State. It is therefore incumbent upon us to proceed with the utmost caution and vigilance in this great work.

As far as the appointment of a clerk is concerned, I have only to reiterate what I have already said.

MR. CHRISTIE—Mr. Speaker: This committee may have a very important and delicate labor to perform, but I am wholly unable, even after the gentleman's explanations, to understand why it is. I don't know what this Legislature has to do with manumitted slaves, who are, as I understand it, freemen. I cannot, I say, understand why there is any necessity for us to frame laws for their government, for if free, they are at liberty, under the laws of the United States and Louisiana, to do as any other freemen may, being amenable also to those laws, in the same manner. Whatever the policy of the United States may be in regard to this matter, is of no importance to us, as legislators, though I hold that these men are restricted to no other code of laws than are freemen at large.

This whole subject may be safely left to the United States authorities, upon their relinquishment of which it will be time enough for us to act; until which time, however, I think we ought not to concern ourselves in relation to it. I therefore see no use of the appointment of any such committee.

MR. BISBEE—As I am one of this committee, Mr. Speaker, I wish to submit a few remarks, although I had no idea that the subject would be opened to discussion until after the committee had reported.

THE SPEAKER—The gentleman, in asking for information, has gone rather beyond the rules of the House. The matter will not be a subject of discussion until the committee reports.

The motion for a reconsideration of the vote rejecting the report was carried, whereupon it was adopted.

The communication, in regard to the organization and government of the police of New Orleans, was presented, a hundred copies thereof ordered to be printed, and made the order of the day for Monday next.

Mr. Todd: "An act authorizing the construction of a bridge at Vermillion Bayou."

Mr. H. C. Belden: "An act to provide for the revision of statutes of the State of a general character, including the Civil Code and Code of Practice."

"An act authorizing the state treasurer to receive the expense warrants of the General Assembly."

MR. FOLEY—I think a bill similar to that has already passed this House.

MR. CHRISTIE—That was in reference to their being received in payment of taxes; this relates to all dues.

The rules were suspended, and the bill having passed a second reading, was adopted on the third, together with its title.

The City Charter was brought up.

MR. FOLEY—I rise to a point of order. This bill comes under the head of messages from the Senate. Bills and resolutions on third reading come before it, as does the unfinished business of the House.

THE SPEAKER—I would like the sense of the House upon the question, as the point has come up before.

MR. CHAMBERLAIN—Mr. Speaker: If I recollect, this is neither a bill nor a message from the Senate. It is the report of a joint committee, and originates as much in this House as in the Senate, coming up, therefore, under the head of bills on first reading. It is sent from the Senate for concurrence in certain amendments, and we may, in time, after amending it, return it for concurrence. I therefore insist that the bill come up as originating in this House. We are now merely acting upon the amended bill from the Senate.

MR. LEWIS—Coming from the Senate, I think the bill is on its second reading.

THE SPEAKER—As the reading has been commenced, I decide the bill in order.

MR. FOLEY—I appeal from the decision of the chair.

The chair was sustained—yeas 43, nays 5—whereupon the reading of the bill was continued until the time arrived for taking up the order of the day, the substitute of the Hon. John Foley to the Bayou Lafourche and Mississippi Land Improvement Company bill, entitled "An act to facilitate the works of the Bayou Lafourche and Mississippi Land Improvement Company."

MR. PRESCOTT—**Mr. Speaker**: I have a few remarks to make in regard to this subject, which will not detain the House long. It is a fact that many other bills, of far greater importance than this, should come before this House—as the school, revenue, and city charter bills—and I therefore wish the fate of this project to be settled with the least delay possible. If it meets the approbation of both the friends and opponents of the bill, I would suggest that it be taken up as a whole, with the amendments of the honorable gentleman on my right, (Hon. D. Christie,) which I have not, however, the right to accept, as that falls to the province of the gentleman who has presented the substitute, which is now before the House. In order, then, to save time, I suggest that the bill be taken up as a whole, as its provisions have been fully, if not fairly discussed. I therefore make this motion, with due regard to the interests of the State, the furthering of business, and to facilitate the progress of more important matters.

A motion, providing that the bill should be taken up section by section, was carried. If the majority of the House wish to carry out my suggestion, it is only necessary, in order to do so, to rescind that motion, when the fate of the bill can be decisively settled either on to-day or the morrow.

MR. LEWIS—**Mr. Speaker**: Is this substitute on its first reading? I think you so decided, on the day before yesterday.

THE SPEAKER—I decided that it was read for the information of the House, but the House decided, on yesterday, when I was not in the chair, that it took the course of a bill on the third reading.

MR. CHAMBERLAIN—**Mr. Speaker**: Previous to entering upon the discussion of the merits of this bill, I beg to be heard upon several grounds of objection to it. My first objection is to the ruling of the gentleman who was in the chair on yesterday (Hon. J. Foley).

MR. FOLEY—The gentleman is out of order. The House sustained the decision of the chair.

MR. CHAMBERLAIN—I not only object to that ruling, **Mr. Speaker**, but also to its being sustained by the House—believing that it was the chair which was sustained, and not its decision. I have no hesitation in declaring that that ruling was one of the grossest outrages upon the sense and intelligence of this House that has ever been perpetrated in any legislative body.

THE SPEAKER—The gentleman will confine—

MR. CHAMBERLAIN—Further than that, sir, candor compels me to say, that I do not believe that anything, save the urgency of the case, and perhaps the amount of self-interest involved, could have ever induced that gentleman to rule as he did.

MR. TODD—The gentleman is out of order.

MR. CHAMBERLAIN—That is all I have to say upon that subject, sir.

The bill has been declared upon its third reading. I deny that most emphatically. No gentleman in this House will have the audacity to stand up here and say that this bill has been read three times before this House; but, sir, if we intend to abide by our constitution, if we acknowledge any supreme power—any power to which we are amenable—I call upon you, gentlemen, each and every one of you, to abide by that constitution. I appeal to you as legislators; I appeal to you under the oath which you took to sustain that constitution, and ask you if you can conscientiously declare that this bill *has* been read three times? I wish to call the attention of the chair to article 37 of the constitution, which says: "No bill shall have the force of a law until, on three several days, it be read over in each House of the General Assembly, and free discussion allowed thereon—unless in case of urgency, four-fifths of the House, where the bill shall be pending, may deem it expedient to dispense with this rule." Now, sir, I presume there is no gentleman here who will say that *this* bill *has* been read *three* times. It *was* read, according to our rules, the first time, for *information*, under rule 45 of this House—the same as that laid down by Jefferson's Manual, which says: "The first reading of a bill, or joint resolution, shall be for information, and if opposition be made to it, the question shall be, 'Shall this bill (or joint resolution) be rejected?' If no opposition be made, or if the question to reject be negatived, the bill (or joint resolution) shall be put on the calendar for its second reading." That bill, sir, has been read once; I objected, and still do object to it. The only question, therefore, which can be entertained by this House, upon this bill, is upon its rejection, at this, its first reading.

Again, this bill has never been engrossed. How can a bill pass this House to its third reading, *without* being engrossed? This bill, as I said before, never has been.

Again, Jefferson says: "No amendments shall be offered to a bill upon its third reading." This is the third reading, under the old rule, but not of the original bill, which was withdrawn on account of its unconstitutionality.

I do not expect, Mr. Speaker, to be able to adduce sufficient arguments to induce gentlemen to vote contrary to self-interest, and I therefore feel that I am wasting the time of the House in making these remarks?

The merits of the bill are just none at all; it has not one. The first and only essential point in a contract is, reciprocal obligation. There is not

one single obligation in this bill, binding upon this company, to which it is proposed to transfer this immense tract of land, and for what purpose? It does not even state that.

No contract can be binding upon both parties, unless a remuneration is given for what is transferred. There is no remuneration even offered in this bill to the State, for the immense grant which it is proposed to transfer to this company.

Further than this, this is pretended to be an amendment to a law already in existence, or, to a charter, all of which is again contrary to the constitution.

Article 118 says: "Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title."

Article 119 says: "No law shall be revived or amended by reference to its title;" and there is not a word mentioned about the Bayou Lafourche and Mississippi Land Improvement Company in this bill, except by title. I deny the existence of such a company, and shall continue to do so, until their charter is produced. How do I know but they have forfeited their charter, if they ever had one? The preamble states it, but the preamble of the bill withdrawn stated other things equally erroneous, and, perhaps, more so.

I deny the jurisdiction of this House to grant a charter. Article 121 says: "Corporations shall not be created in this State by special law." Is not this a special law that we are engaged upon now? The same article says: "A general law, for the organization of all corporations, shall be passed." This law we have now.

You will pardon me for making these reflections in my argument, but I do so because they are irrefutable; and every gentleman, in arguing in favor of this bill, has fought shy of these points. They have avoided them as a snare, for they knew they were treading on hollow ground, and what would destroy them if they dared encroach upon it.

What is the result of giving away this immense tract of land? I believe they have not had the modesty to give an estimate of the area. The boundaries are indefinite—"west of the Mississippi and east of the Bayou Lafourche." The report of the register of State lands says there are nearly three millions of acres. Upon that is located upwards of four hundred families, who have no title to that land. They occupy and have improved 42,835 acres of land, but have no title to it. We are going to do—not we, for I will never consent to it—some of the members are about to deprive these honest, *bona fide* settlers, of the land they have cultivated, and give it to a company.

Let me call your attention to some of the points of the bill. The only thing that the company is bound to do, in this bill, is to establish a public road of at least twenty feet in width; but it does not say where it is to be located, or where it shall commence or end. It also says, the company shall

have the right of taking, on all streams, twenty acres front by twenty acres in depth. They can go on the Amite and other rivers and locate their land, if they see fit, for they have unlimited jurisdiction. What is it for? It merely says, that "the said company *shall have the right* to construct one or more canals." Now, they do not want to construct any canals. It does not say they shall not have the lands unless they do construct such canals. They get the grant of land, then, for nothing. It has been stated, by one gentleman, that they gave good security for the payment of this land. I deny it. They say the State may retain or have a lien privilege on such lands as are not paid for; but they do not say they will give a guarantee on land that has not been paid for. They will pay for such land as they want, and the rest will be returned to the State. Again: the bill says the company shall exist for the space of forty-five years, which is just twenty years longer than the statutes of the State allow. Does not that condemn the bill? Is not that unconstitutional?

I could go on and accumulate evidence and arguments enough to crush this bill and its defenders, but it is unnecessary. Gentlemen can see the fraudulent character of the bill on its face—can see that it is merely a gift of land to swell the proceeds of an already wealthy corporation. They can see well enough, that by granting this land they would deprive future generations of the rich inheritance given to this State by the general government. They can see that the State will derive nothing—nothing in fact, from the privileges granted this company—nothing but merely the right to take back their worthless land, when these speculators have stripped it of all which now renders it valuable. The register of lands says: "Much of these lands being covered with valuable timber, I would suggest that the act be so amended as to prevent a sale of the lands at the rate proposed."

MR. PRESCOTT—I am sorry to interrupt so much grandiloquence, but I must state that the gentleman's time has expired.

MR. CHAMBERLAIN—I have five minutes yet. I could urge another objection, and that is, that this is not the unfinished business of the last session of this House. This bill was introduced this session, and is a new bill, as I have proved to you by the constitution; for it has not been read but once and has no right to be discussed at this time. But it is unnecessary, as I have said, to accumulate evidence, and I submit the case to this House for decision.

The motion to reject the first section was lost—yeas 27, nays 34.

The motion to take up the bill as a whole, was carried.

Mr. Laloire offered the following amendment to the first section:

Provided, also, that no member of the present General Assembly of this State shall become a stockholder of said land improvement company."

MR. WATERS—I move to reject.

Lost—yeas 30, nays 31.

MR. MICHEL—I move the adoption of the amendment.

Carried.

On motion of Mr. Kavanagh, the House then adjourned until 12 m., Thursday, January 12.

THURSDAY, January 12, 1865.

The House met, pursuant to adjournment, when the Rev. Dr. Newman offered prayer, after which, the minutes were adopted as read.

MR. BRECKENRIDGE offered a resolution obliging all persons desiring, privileges or benefits from this House, before receiving such, to prove their loyalty.

MR. BADGER—I do not think the resolution is necessary, Mr. Speaker, inasmuch as a resolution to that effect was passed at the time our clerks were sworn in.

MR. FOLEY—I call for an explanation of that resolution.

MR. BRECKENRIDGE—Mr. Speaker : The resolution explains itself. It simply means that all those who desire any privileges or benefit from this House, shall prove their loyalty to the State and government, before receiving such benefit or privilege, thus showing themselves entitled to it. Unless some resolution of this tenor does pass, we may unwittingly incorporate a company composed of disloyal persons.

The resolution was adopted.

MR. PRESCOTT offered a resolution that no employé of the House shall hold more than one office, or any office outside of the House, the sergeant-at-arms being empowered to appoint assistants accordingly.

The adoption and rejection of the resolution were moved.

MR. PRESCOTT—Mr. Speaker : I wish to explain that the resolution is not intended as a reflection upon any employé of this House, but is simply to provide against any abuse which may or may not exist.

I am informed that there are employés of this House, who hold two offices—who hold an office outside of this House. Now, as long as these men perform their duty, I might have very little to say under other circumstances, but the condition of the country is too well known to need any comment from me, and as long as there are men in this city, of education, intelligence and worth, who neither have or can procure fitting employment, it seems to me that if this House has any patronage to dispense, it will be distributed among as many deserving recipients as is possible. The salary of any employé of this House is alone amply sufficient to furnish a comfortable support to the party holding it, on account of which reason and those preceding, I offered the resolution, which I hope the House will entertain.

MR. KAVANAGH—Many members of this House are drawing eight dollars per day as *per diem* for attendance here, who are holding more than one office. [Loud cries of "Out of order."] I shall vote against the resolution.

A motion to table was lost—yeas 26, nays 36.

MR. FOLEY—I move the resolution be indefinitely postponed.

The motion was lost—yeas 27, nays 28.

MR. CHAMBERLAIN—Mr. Speaker: I object to the whole resolution, and would like to know what the sergeant-at-arms has to do with the appointment of clerks of committees. I do not comprehend what the meaning of the resolution is, and cannot, for there is neither sense or reason in the latter clause, though the first part of it is well enough.

MR. WATERS—Mr. Speaker: This resolution only touches one man, who is an employé of this House—an old man, with a large family to support, who occupies the position of a policeman on the night police. I believe the object of this resolution is to affect him, and no one else—for which reason I shall vote against it.

MR. PRESCOTT—Mr. Speaker: I beg leave to explain the reason of this resolution, as I intended to do no one any injustice. I understand that there is an old gentleman in the employment of this House, who has given full satisfaction to all concerned. As he has a large family, and as I understand the resolution will affect him—

THE SPEAKER—Out of order, sir. The clerk will proceed with calling the yeas and nays.

The resolution was lost—yeas 22, nays 41.

Mr. Senette introduced a resolution, declaring that no member of the House shall, according to law, hold more than one office of trust and profit under the State, and calling for the appointment of a committee to ascertain whether this provision has been violated.

MR. EGAN—I move the rejection of the resolution and consider it out of order, for the reason that several similar resolutions have been voted down by an overwhelming majority.

THE SPEAKER—No such resolution has been presented during the present session.

The resolution was tabled by a *viva voce* vote.

A similar resolution, offered by Hon. E. Galligar, was declared out of order, as being covered by the preceding.

The Committee on Parochial affairs reported unfavorably on a bill to change the boundaries between the parishes of Lafourche and Terrebonne.

MR. BOUDREAUX—I move the rejection of the report, and wish to know whether the committee has reported unfavorably on the petition which many of my constituents signed, requesting the change, or against the petition and the bill, or whether the petition is reported on favorably and not the bill?

MR. MICHEL—I shall vote to reject the report, because it treats of two different things.

The motion to reject was lost—yeas 15, nays 45—whereupon the report was adopted.

MR. BOVÉE—On behalf of the Committee on Public and Charitable Institutions I beg leave to re-submit its report, which was referred back for the action of the committee, on the question whether one building would not be sufficient for the different offices, now situated at 17 St. Charles street, and others which it is proposed to locate in the same tenement.

There can be no objection to this report, when it is fairly understood. Two buildings will no more than accommodate all the offices which will be removed from present localities.

MR. SEYMOUR—I move the rejection of the report, Mr. Speaker, as it is the verbatim report formerly submitted to us. It was referred to the committee, with instructions to change the number of the buildings said to be required, from two to one.

MR. FOLEY—Mr. Speaker: Before the motion of rejection is put, I wish to say that, although not a member of this committee, I personally examined the building, 17 St. Charles street, from which it is proposed to remove certain offices—examining it very carefully. I found that the treasurer is obliged to leave many valuable books so exposed at night, for want of a place in which to deposit them, that in case of a fire, very many documents of the greatest importance would be lost, which it would be impossible to replace. There are many offices now scattered all over New Orleans, which can be accommodated in these two buildings, thus effecting a great saving to the corporation in point of rent, as the terms upon which these buildings are to be let are very reasonable—only two hundred dollars a month—when they were rented before the war for three thousand dollars a year.

The motion on the rejection was lost, and it was thereupon adopted.

The committee appointed to inquire into certain usurpations of the state treasurer, in refusing to pay certain warrants, reported that that gentleman should be exonerated from all blame, as he was compelled, through want of funds, to suspend payment.

The report was received, and the committee discharged.

Mr. Lewis: "An act relative to persons holding commissions in the so-called Confederate army."

"An act to provide for the revision of the statutes of the State of Louisiana."

MR. BOUDREAUX—I move its rejection, because a similar bill was rejected in the Senate a few days ago, and also because it is unconstitutional.

MR. CHAMBERLAIN—No such a thing!

MR. CHRISTIE—Mr. Speaker: If I do not very much mistake the language of this bill, it simply proposes a method to filch money from the treasury. I have reason, sir, to fear, the appointment of any committees to sit during the interim of legislative proceedings, to which I am most bitterly opposed. We have had a very good illustration of the rapacity of gentlemen who have heretofore been organized for transacting certain business after the adjourn-

ment of a convention. I hope that the matter will not be considered at just the present time.

In the first place, some of our committees should be competent to codify and regulate statutes. Their duties cannot commence at the present time, but I hope that the Judiciary Committee will attend to certain portions of the subject until the adjournment of the Legislature, at which time I would like to see a specified time designated in which this work is to be completed, some estimate of which can certainly be made, as well as of the price for that performance. Unless there is some restriction, it will be to us a source of endless discredit.

In a former Legislature, a certain time was designated, after its adjournment, for carrying out this same object and with regard to the expense thereof, which rule should be adopted in this instance, in case of these committees, for gentlemen generally expend more time and money than is at all requisite for the accomplishment of their object.

MR. CHAMBERLAIN—Mr. Speaker: One gentleman has accused this bill of being unconstitutional, and another has stated in opposition to it, that a certain time has heretofore been designated for the accomplishment of this same work, both of which statements I deny, and both of which I can prove to be erroneous.

As to the unconstitutionality of the bill, it is as eminently proper as it is constitutional, that the laws of this State should be revised by the law-makers. Now, I would like to know who are the law-makers, if we are not? My objection to the bill from the Senate, on this subject, was that the governor was to have the power of appointing a board of lawyers to accomplish this object. I opposed it on the ground of its unconstitutionality, as the governor has no more right to appoint a board thus composed, to carry out the object under discussion, than he has to appoint a Legislature. That is why a committee should be appointed from this House, conjointly with a committee from the Senate, who, during the recess of this House, previous to the meeting of another Legislature, can codify, revise and publish in book form, our laws.

So far as postponing the consideration of this subject is concerned, I am in favor of doing so, but the clerk has done his duty in presenting the bill to the House at the present time, in its regular order, as it first came before the House two months ago. We should not, however, take action upon it until near the close of this term.

So far as the peculative qualities of gentlemen are concerned, I am not afraid to trust a committee of this House under this bill, which provides that they shall be entitled to their *per diem* and mileage. The bill also provides that the work shall be submitted to the next Legislature for approval, and if not approved, no compensation is to be allowed. Certainly nothing can be fairer than these provisions. Gentlemen will find that the Legislature of

1854 made a similar arrangement to that herein proposed. The Legislature of 1855 granted something like fifteen thousand dollars to U. B. Phillips, for revising and publishing these statutes. Some gentlemen will, perhaps, object to the receiving of *per diem* by the members of this proposed committee, but they will not, at any rate, receive it for a long time, as this session will probably continue until some time next summer, and but a short time will intervene between its adjournment and the meeting of the next Legislature—too short, I fear, for the important duties to be completely discharged.

MR. BOUDREAUX—I am opposed to the bill, because I believe it is similar to one heretofore presented to the Senate—that is, in the leading ideas.

The motion to reject the bill was lost—yeas 31, nays 18.

The Bayou Lafourche and Mississippi Land Improvement bill was taken up, as the order of the day.

Mr. Foley moved, as an amendment to section 2, to strike out the words, "have the right to," making the section read, "the said company shall construct one or more canals," etc.

Adopted.

MR. PRESCOTT—I move, as an amendment, to strike out "twenty acres," and insert "five acres."

MR. BURKE—I move to reject the whole section.

MR. FOLEY—I move to lay it on the table.

Carried—yeas 42, nays 17.

MR. CHRISTIE—I move to insert, after "shall have the right of taking on all streams twenty acres front by twenty acres in depth, of any public lands," the words, "at each terminus of every canal or canals."

MR. GALLIGAR—I move to lay all amendments on the table.

Carried.

MR. PEARSON—I move, as an amendment, to strike out "twenty acres," and insert "five acres," and to insert, after "any public lands," the words "embraced in section 1 of this act."

MR. CHRISTIE—I think it would be a great hardship upon the parties located upon these various streams, to take away from them their vested rights, which you will do if you empower this corporation to take five acres front on the streams. I cannot see what the company wants of such an amount of continuous front on the rivers and bayous. They do not wish the public land of the State, but that which belongs to our neighbors. I think if the company has twenty acres at each terminus of a canal, it is sufficient, without giving them the right to oust the actual settlers on these lands.

The motion to adopt the amendment received the following rising vote : yeas 28, nays 25.

A call of the House was demanded, and fifty-eight members responded.

A motion to adjourn was lost.

MR. CHAMBERLAIN—In consideration of the vast importance of the business before the House, I move the indefinite postponement of this bill.

A quorum having been obtained, the last amendment was adopted.

The motion to postpone was lost—yeas 20, nays 38.

MR. BOUDREAUX—I offer, as an amendment to section 3, to append the following: "Also to build a railroad all around said tract of land herein donated."

Lost.

MR. PEARSON—I move to strike out the words, "Be it further enacted."

MR. PRESCOTT—I move to lay that on the table.

Carried.

On motion, the House then adjourned until 12 m., Friday, January 13.

FRIDAY, January 13, 1865.

The House met, pursuant to adjournment, at 12 m., Mr. Tully in the chair.

Prayer was offered by the Rev. Mr. Hopkins.

Mr. Howes offered the following resolution:

Whereas, The Academy of Music, situated on St. Charles street, between Poydras and Perdido streets, has ceased to be a respectable place of amusement, but has become a farce, as there is nothing there performed but obscenity and low breeding, and are in the habit of ridiculing the members of this Legislature by words and acts; therefore, be it

Resolved, That the mayor of the city be requested to cause the said Academy of Music to be immediately closed.

MR. BOVEE—I move to lay it on the table.

MR. CHAMBERLAIN—I think it is beneath the House to take action on any such resolution.

The motion to table was carried.

MR. HOWES—I move that the gentlemen who voted in favor of the resolution, be declared jackasses.

Mr. Chamberlain offered a resolution that the House go into an election for speaker *pro tem*.

Laid on the table on motion of Mr. Waters.

MR. PEARSON—I move that the reporters be instructed not to make any mention in the papers of the resolution relative to the Academy of Music.

MR. FOLEY—I also move that it be not spread upon the journal.

MR. BRECKENRIDGE—That is unconstitutional.

The motions were lost.

The joint resolution authorizing the renting of the two buildings, 186 and 188, Gravier street, for the State offices, was, by a suspension of the rules, adopted on its several readings.

Adopted members gave notice of the introduction of bills:

Mr. Seymour, on behalf of the Judiciary Committee: "Acts to amend articles 659, 660, 662, 670, of the Code of Practice."

Mr. Michel : "An act for the relief of James Wood, owner of the steamboat G. W. Forrest."

The following bills were adopted on their first reading :

"An act relative to persons holding commissions in the so-called Confederate army."

"An act to amend article 647, of the Code of Practice."

The reading of the City Charter was resumed and continued until the hour for the order of the day, when the Bayou Lafourche and Mississippi Land Improvement bill was taken up.

Mr. Christie offered the following amendment to section 5, which was accepted :

"Said canal or canals shall have an average of thirty feet in width on the water surface, and be of a uniform depth of six feet."

Mr. Badger amended the toll on vessels from fifty cents per ton to twenty-five cents.

Accepted.

Mr. Christie offered the following amendment to section 6 :

So as to require the building of a road twenty-five feet wide, the entire length of the canal, the road to be opened as a tow-path as fast as the canal progresses, and to be free from toll or tax.

Amendment accepted.

MR. PRESCOTT—I amend the time which the company shall exist, from forty-five to twenty-five years.

Accepted.

MR. BOVER—I amend to ten years.

Laid on the table.

MR. LALOIRE—I offer the following additional section :

Be it further enacted, &c., That the sale of lands mentioned in section 1 shall take effect when it shall appear to the satisfaction of the register of lands of this State, that said company have dug twenty miles of canal, and established a road twenty-five feet wide on the banks of said canal.

MR. FOLEY—I move to lay that on the table.

Carried—years 35, days 26.

MR. CHRISTIE—I move to strike out section 8.

Laid on the table.

MR. BRECKENRIDGE—I offer the following amendment :

Be it further enacted, &c., That all persons who have heretofore entered or located said lands, have the right, in preference to all others, to purchase the lands of the State at the minimum price of one dollar and twenty-five cents per acre.

Further, that no company or association of individuals shall have the power to remove, interfere, or in any manner infringe on the rights and privileges of the people who may be located on said lands.

And if the Bayou Lafourche and Mississippi Land Improvement Company cut, remove or otherwise dispose of, or employ, or be employed, in cutting or removing or otherwise disposing of any timber or wood of whatever kind

from any lands which belong to the State, said company or persons so offending, and being thereof duly convicted before any court of competent jurisdiction, shall pay a fine not exceeding five thousand dollars or less than one thousand dollars, and be imprisoned not less than one year nor more than ten years.

MR. PRESCOTT—I move to lay it on the table.

Carried.

MR. CHRISTIE—I offer the following additional article :

Sec. 9. *Be it further enacted, &c.*, That on and after the expiration of twenty-five years from the date of the passage of this enactment, all the canal or canals, and all other improvements connected therewith, shall revert to the State of Louisiana, and be at its disposition.

Accepted.

MR. CHAMBERLAIN—Before the yeas and nays are called on the final adoption, I wish to enter my protest against the passage of this bill.

Mr. Foley moved to adopt the bill as amended. Carried, by the following vote :

Yeas—Messrs. Bouligny, Buckley, Brown, Bangs, Cook, Creigh, Christie, Corley, Evans, Foley, Gannon, Galligar, Griffith, Harnan, Howes, Haberin, Henratty, Hawkins, Hawthorne, Ingram, Kavanagh, Kamper, Laster, McCann, Miller W. D., Maas, Michel, Pearson, Prescott, Robinson, Seymour, Smith, Todd, Van Tromp, Walsh, Waters—36.

Nays—Messrs. Belden S., speaker, Bovee, Bofill, Balser, Bensel, Badger, Burke, Boudreaux, Bernard, Breckenridge, Belden R. L., Collins, Chamberlain, Dufresne, Kleas, Laloire, Miller R. M., Mace, Marie, Nephler, Riggs, Senette, Wood, Woodward—24.

The title was then adopted ; when, on motion, the House adjourned until 12 M. Monday, January 16th.

MONDAY, January 16, 1865.

The House met, pursuant to adjournment, at 12 M., and the speaker being absent from sickness, Mr. Michel was elected speaker *pro tem*.

Prayer was offered by the Rev. Mr. Strong.

A protest against the passage of an act entitled "An act to facilitate the works of the Bayou Lafourche and Mississippi Land Improvement Company," signed by twenty-six members of the House, was presented and read.

MR. FOLEY—I move it be laid on the table until presented in proper language. It is insulting to the House.

MR. CHAMBERLAIN—That is unparliamentary and unconstitutional, and the protest cannot be treated in this manner.

The speaker decided that the House had a right to reject a protest.

The roll was called on the motion, several members refusing to vote.

MR. CHRISTIE—I move that the protest be recommitted to the gentlemen offering it.

MR. FOLEY—I withdraw my motion to table.

MR. CHAMBERLAIN—I refuse to accept the protest.

The motion to recommit was carried.

A motion to adjourn was lost.

Mr. Van Tromp presented a report from the Ladies Charitable Association of Baton Rouge, which was referred to the committee on Charitable Institutions.

Mr. Dejean gave notice of his intention to introduce an act to provide for the relief of J. C. Prendergast, of the city of New Orleans.

An act to amend article 3465, of the Civil Code. Adopted.

An act to provide for the election of a State tax collector for the parish of Jefferson.

Adopted.

An act to provide for the collection of licenses.

Mr. FOLEY—I move this be recommitted to the Committee on Judiciary, that copies of this bill may be printed. We ought not to rush through important bills without any consideration.

Mr. CHAMBERLAIN—I second that motion, as I believe that committee has been very remiss in its duty.

The motion was carried, when a similar motion was carried relative to an act relative to absentees.

The rules were suspended and the police bill taken up on second reading.

Mr. FOLEY—I move to amend the first section by striking out "four hundred," as the number of men who are to constitute the police force of the city, and insert "not less than five hundred."

The amendment was accepted.

Mr. PEARSON—I move to strike out "acting" before the word "mayor," so that the reading will be "the mayor of the city of New Orleans shall organize the police force."

Mr. LESTER—I move to lay on the table all amendments.

Mr. CHRISTIE—I am opposed, Mr. Speaker, to tabling amendments which have not been read.

THE SPEAKER *pro tem.*—We are only voting upon those before the House.

The motion to table was lost.

Mr. LALOIRE—I move to amend, so as to make all policemen "permanent," instead of "resident" "citizens of New Orleans," and to strike out the last clause, which provides that present members of the police shall not be removed, except in case of delinquency and trial.

Mr. FOLEY—I understand that to be an amendment, Mr. Speaker; and, before any amendment is put, we must vote on the substitute.

Mr. MEERS—I move the substitute be laid on the table.

The motion was carried.

Mr. LALOIRE—I called for the yeas and nays, before the question is put, for the reason that many members are interested.

Mr. Pearson's motion was lost.

MR. CHAMBERLAIN—I move to strike out “guarantees,” and insert “qualifications,” in the lines, “Provided, that no policeman now in office, who possesses the ‘guarantees’ required by this act, shall be removed, unless in case of delinquency,” &c. The word “guarantees” means simply nothing, in this connection.

The amendment was accepted.

MR. HARNAN—I move to amend by requiring policemen to be “permanent citizens of New Orleans” for one year.

MR. PEARSON—I move we adjourn.

The motion was lost.

MR. POYNOT—I move all amendments be laid on the table.

MR. PEARSON—I wish to go out, Mr. Speaker, as I have a right to break the quorum when I see a bill before the House which I think justifies me in so doing.

MR. FOLEY—If that is the case, sir, the minority might prevent us from passing any bill.

MR. DUANE—I move that the gentleman be not excused, after his explanation of reasons for wishing to be.

THE SPEAKER *pro tem.*—I cannot permit you to leave, sir.

The motion to table all amendments was carried.

MR. BOVEE—I have an amendment, Mr. Speaker, which has not been read, and I claim it is in order.

A motion to adjourn until six o'clock, inst., was amended to 12 M., to-morrow, both of which motions were lost.

MR. PEARSON—I move the bill be recommitted.

The motion was tabled.

MR. PEARSON—Mr. Speaker: According to one of our rules, no member can vote on any question in which he is interested. I demand the enforcement of that rule.

MR. MEEKS—I see no one so much interested, Mr. Speaker, as the gentleman himself [applause], who is persistently endeavoring to defeat the bill.

M. FOLEY—I move the previous question.

MR. PEARSON—I move we adjourn, which motion has the precedence of the last.

The motion, on putting the previous question, was carried.

The rejection and adoption of the first section were each moved.

MR. BOVEE—I have offered an amendment, Mr. Speaker, in regular form, and it has never been read. Is it out of order?

THE SPEAKER *pro tem.*—Yes, sir. Several amendments were offered, when all amendments were laid on the table.

MR. PEARSON—I moved the rejection of the bill before its adoption, or it was read.

MR. LALOIRE—Mr. Speaker: I demand the enforcement of a standing rule

of this House, which forbids any member to vote on a question in which he is interested.

The first section, organizing the city police, was adopted as amended.

The House then adjourned until 12 m. to-morrow, the 17th inst.

TUESDAY, January 17, 1865.

The House met, pursuant to adjournment, at 12 m., and the speaker being absent from sickness, Mr. Michel was called to the chair.

Prayer was offered by the Rev. Father Magee.

The minutes of yesterday were read and approved.

Mr. Christie offered the following, which was adopted :

Resolved, That the rules of order and constitution, as printed for the use of the members of this House, be referred to the Printing Committee, with authority to investigate and report upon the cause of the many errors contained therein.

Mr. Chamberlain offered the following :

Resolved, That where leave of absence is granted to one or more members of this House, the necessary number to constitute a quorum shall be lessened by such number of absences.

A motion to table was lost, and also the motion to adopt, by the following vote—yeas 25, nays 35.

Mr. Foley offered the following, which was adopted :

Resolved, That the clerk be instructed to insert the names of absent members in the official minutes of the House daily.

Mr. H. C. Belden offered a resolution relative to preserving better order in the House, and requesting the speaker to use all means for that end, which was adopted.

A memorial from the signers of the protest against the Bayou Lafourche and Mississippi Land Improvement bill, which was referred back to them, was read, stating that they declined to modify the language or spirit of the protest, and returned it to the House.

The following gentleman gave notice of the introduction of bills :

Mr. H. C. Belden : An act to increase the salaries and fees of clerks and sheriffs of the District Courts of all the parishes throughout the State, the parish of Orleans excepted.

Mr. Senette : An act to increase the salaries of judges of the District Courts throughout the State, the parishes of Orleans and Jefferson excepted.

The City Charter was taken up and passed on its first reading.

On motion of Mr. Foley, one hundred copies were ordered to be printed, and the bill given the precedence in the order of the day for Monday.

The police bill was then taken up, and sections two, three and four adopted without amendment.

Section five was read.

MR. CHAMBERLAIN—I move to make the time for the appointment of the commission after the passage of this act “thirty days” instead of “ten days.”

MR. MEERKS—I move to lay that on the table.

Carried.

MR. CHAMBERLAIN—I move to amend by adding, “said commission to be composed of five citizens, and who shall take and subscribe to the oath prescribed by article 90 of the constitution.”

Accepted and section adopted as amended.

Section six was read.

MR. CHAMBERLAIN—I offer the following amendment to section 6 :

“But all witnesses examined before said commission shall be under oath.”

Amendment accepted and section adopted.

Sections 7 and 8 were adopted without amendment.

MR. PEARSON—I move to reject section 9.

Laid on the table.

A motion to adopt section 10, was tabled.

The motion to adopt the bill then come up.

MR. PEARSON—I object to the bill on the ground that it is unconstitutional.

The bill was adopted as amended, by the following vote—yeas 54, nays 8.

MR. FOLEY—I now move to reconsider my vote on the adoption of the bill and also move to lay that on the table.

MR. BAUM—I also move to lay the motion to reconsider on the table.

Carried.

MR. BAUM—I move a suspension of the rules to put the bill on its third reading.

MR. PEARSON—I move to lay that on the table.

Lost—yeas 21, nays 42.

The original motion was carried, and the bill adopted on its third reading.

MR. BOFILL—I move a reconsideration of the vote adopting the bill on its third reading.

MR. BAUM—I move to lay that on the table.

Carried.

On motion, the House then adjourned until 12 m., Wednesday, January 18.

THURSDAY, January 19, 1865.

The House met, pursuant to adjournment, at 12 m.

Prayer was offered by the Rev. Dr. Newman.

The minutes of yesterday were read and approved.

A communication from the sergeant-at-arms, requesting the appointment of a committee to investigate certain charges made against one of the assistant sergeants-at-arms, was read.

MR. BOYER—I move a committee of three be appointed.

MR. O'CONNOR—I amend to seven.

Carried.

MR. PRESCOTT offered a resolution, to appoint a committee of five, to inquire into the expediency of engaging the Odd Fellows' Hall for a State House, and to ascertain if it afforded the requisite accommodations for the Legislature and State library.

MR. PRESCOTT—According to the estimate of the authorities of this city, the very insufficient accommodations which have been secured for this Legislature and for the State officers, will cost about \$24,000 a year. They are insufficient, and it has been found necessary to rent other buildings, where the public records and documents are not liable to be destroyed by fire at any moment. In support of this, it is only necessary to state that a fire took place in Camp street, last night, which totally destroyed the papers of the land office. In order to avoid a similar accident, it is highly proper that a suitable building should be engaged where all the offices of the State can be concentrated, and thereby not only subserve the convenience of the State officers, but the public generally. The measure is one that commands the favorable consideration of this House, on the ground of economy. The building will cost only \$8000 a year, and will accommodate all the State officers and the Legislature, and leave a surplus of room, which can be devoted to the use of the committees of this House. The saving to be effected will amount to not less than \$20,000 a year; and in the impoverished condition of the State, and no immediate prospect of material improvement, renders it imperatively necessary for the House to entertain any proposition for the saving of so much money. I therefore recommend it to the favorable consideration of this House.

The resolution was then adopted.

MR. FOLEY presented a resolution, according to which, any member absent at roll-call and for fifteen minutes thereafter, except they have leave of absence, shall forfeit his *per diem*.

MR. LEWIS—I amend to thirty minutes.

Amendment accepted.

MR. BRECKENRIDGE—I offer a substitute, providing that in case of any member absent for ten consecutive days, without satisfactory excuse, his seat shall be declared vacant and a new election ordered.

THE SPEAKER—The substitute is out of order, as it is not germane to the subject.

MR. MICHEL—According to that resolution, a member is not excused and forfeits his *per diem*, even if sick. I move to insert "except in case of sickness."

The amendment was accepted.

MR. LASTER—I offer a further amendment, “no member shall leave the hall, except to comply with the demands of nature.”

THE SPEAKER—Out of order.

The resolution was adopted as amended—yeas 38, nays 15.

Mr. O’Conner offered a resolution forbidding the smoking of pipes on the floor.

A motion to reject was lost.

MR. FOLEY—I amend to include cigars.

The motion to table was lost, when the original resolution was lost.

A resolution signed by eighteen members was presented, setting forth the resolution directing that no clerk shall receive more than eight dollars per day, making an exception to that resolution in favor of the warrant clerk, and giving him twelve dollars per day.

MR. MICHEL—That resolution cannot pass the House, for the reason that one of exactly its reverse tenor has already passed.

A motion to suspend the rules, to take up the resolution, was carried.

MR. CHRISTIE—I move to amend, Mr. Speaker, by inserting “one hundred” instead of “twelve dollars;” for if his duties are so extremely arduous, he will not be satisfied with only twelve dollars per day.

MR. FOLEY—Out of order.

MR. CHRISTIE—I hope the chair will assert its dignity and not allow *members* to decide questions of order. [Applause.]

THE SPEAKER—The resolution is in order, as the House can suspend the rules and bring up this resolution, as it has done. More than that, the House has a perfect right to repeal or amend a resolution when once passed.

Mr. Christie’s amendment was tabled—yeas 38, nays 10.

MR. FOLEY—I amend, by inserting “fifty” in place of “twelve dollars.”

MR. VAN TROMP—I move to amend so as to give all clerks the same compensation.

MR. BALSER—I move to lay on the table all amendments.

The motion was carried.

MR. LEWIS—I move that further consideration of this resolution be indefinitely postponed.

MR. FOLEY—I move to amend, making the compensation of the clerks on banks and banking twelve dollars per day also.

Mr. Lewis’ amendment was lost—yeas 19, nays 21.

MR. MICHEL—I move to amend by including also the clerks of the Committee on Internal Improvements.

MR. SEYMOUR—I move we adjourn.

MR. PEARSON—I move to lay on the table all amendments.

The motion to adjourn was lost.

MR. FOLEY—I move that all further consideration of this question be postponed until Monday next.

THE SPEAKER—This resolution must be postponed until to-morrow, as the hour for calling up the order of the day has arrived.

MR. CHAMBERLAIN—Mr. Speaker: Inasmuch as there is no order of the day, I move a suspension of the rules, to take up the regular course of business.

The motion was carried.

Mr. Bovee introduced a joint resolution for the abolishment of capital punishment. Laid over under the rules.

The Committee on Education announced the discharge of their clerk.

Mr. Chamberlain introduced an act to provide for the commutation of certain persons who may be drafted under the late order of the commanding general of the gulf.

Mr. Michel introduced an act relative to the fees of justices of the peace and constables throughout the State.

An act for the relief of Mr. Prendergast passed the first reading.

The rules were suspended, and the bill, having been passed on first and second readings, was referred to the Committee on Claims.

The Senate announced concurrence in a bill for the relief of the Female Orphan Asylum at Bayou Sara, and asked concurrence in a joint resolution, instructing the United States senators, and requesting the United States representatives of Louisiana to vote for the constitutional amendment for abolishing slavery.

The joint resolution was passed on first reading, and, the rules being suspended, was put on second reading.

MR. MEERS—Mr. Speaker: I object to, and intend to vote against the resolution, as I do not think that Congress has the right to abolish slavery. I believe that the States have not only the right to decide that question for themselves, but the exclusive right to do so.

I therefore move to lay the resolution on the table.

MR. CHRISTIE—I hope that resolution will be adopted.

MR. PEARSON—I call for a suspension of the rules, in order that the gentleman on my left [Mr. Christie] may be allowed to speak.

The motion was carried.

MR. CHRISTIE—Mr. Speaker: I am not about to speak at great length upon this question. The steamer leaves the city on Saturday, and it is exceedingly important that the adoption of this resolution should be borne to the North at that time.

The question in regard to the rights of the State, is not the question before us to-day, and that sprung upon this House at any time, would be entirely ignored, for the reason that there is no question among the citizens of Louisiana, in regard to their determination upon this subject. The passage of this joint resolution is, at this time, of urgent importance—of extreme necessity. Should it be postponed or rejected by any possibility, we may not be

able to dispatch it by this steamer. The mind of each member of this House is undoubtedly made up as to the paramount necessity of instructing our senators and representatives on this point. Perhaps all gentlemen on this floor may not feel as strongly in relation to this matter as I, but I hope there will be no dissenting voice when the question is put on the adoption of this wise, patriotic and just measure.

Do not gentlemen perceive the insidious influences on foot in our midst to ignore our free State government, and to detract from the respect and confidence due to the Legislature of that State? Have you not seen gentlemen who always have been and will be antagonistic to our views, who are opposed to the government of the United States, do not sympathize with the dominant feeling of this State, withstand, and like a rock, oppose your views, and your government? Will you suffer these men to ride rough-shod over you? Look at the perfect stream of poisonous argument and influence pouring into Washington, endeavoring to ignore and condemn you. It is necessary for us to take some action, for these despicable maligners would ever teach the poor black man, that he has no support, confidence or sympathy in this hall; telling him (the other day, in their convention) to appeal to Washington. I wished him to appeal to this Legislature, and I conceive that in view of the malicious instigation of men in our midst, who, with their hypocrisy so transparent, are endeavoring to mislead the minds of men in high places in Washington, we must adopt this measure as men. I understand that the Senate has acted upon this question unanimously—let us do the same, as the most cherished wish of our hearts and as an emanation from the free State party of Louisiana, assembled in this hall. We, as the representatives of the people of Louisiana, should do this act to-day!

MR. BOVER—I move the rules be suspended, to allow the gentleman on my right (Mr. Meeks) to reply to the gentleman.

MR. KAVANAUGH—I amend, by adding, “and any other gentleman who wishes to speak on the subject.”

The amendment was accepted, the rules suspended, and the motion carried.

MR. MECKS—Mr. Speaker: I will not detain the House long; but, as the gentleman has seen fit to wax very eloquent upon this subject, I must say a few words.

I do not conceive it to be the duty of this House to pass this, or any other similar measure. The gentleman has not recollected that we have, as yet, no senators or representatives upon the floor of Congress, or any guarantee that we shall have. I am in favor of the abolishment of slavery, but am opposed to giving the president or Congress the power of doing so in any other State, whether the citizens thereof desire it or not—thus, if the citizens do not desire it, depriving them of a large amount of valuable property. I do not think that any such power should be entrusted to the chief executive of the nation, and am therefore opposed to the bill. I reiterate my motion.

Mr. CHAMBERLAIN—**Mr. Speaker**: The gentleman opposes this resolution merely on the ground of "State sovereignty," which is the most dangerous of all the rights claimed by any people or power.

Mr. LEWIS—The gentleman has no second to his motion to table the resolution.

Mr. KAVANAUGH—I second the motion.

Mr. SENETTE—**Mr. Speaker**: I understand that we have a perfect right to instruct those in Congress. It seems to me, also, that, according to the constitution of the United States, any amendment to that constitution must be ratified by the people, so that there is no danger that any rights will be invaded, even if the proposed amendment does pass.

Mr. PEARSON—I think, **Mr. Speaker**, that this resolution is entirely unnecessary, for the reason that those who represent us in Congress are from a free State, and must already know the minds of their constituents.

Mr. KAVANAUGH—**Mr. Speaker**: I deny the right of President Lincoln, or the Congress of these United States, to take any man's property from him, without remunerating him for it. I shall, therefore, vote against the resolution.

Mr. PRESCOTT—I would state that, at the last session of Congress, an effort was made to abolish the clause in the constitution sanctioning slavery. The requisite vote of two-thirds was obtained in the Senate, but not in the House, and an attempt is now being made to obtain the necessary number. Whether it will be successful or not, I am not able to say, as it has not come to a test; but we have some four-fifths of the representatives. The number wanting before was only thirteen, and, if all the members are admitted, two-thirds can be obtained. It is highly necessary our delegation should be admitted, and the most powerful argument in favor of that, is the necessity of their being on the floor of Congress to abolish that clause of the constitution. Their admission will place that question beyond a doubt, and wipe away forever the great stigma of slavery. That will be done by Congress, at its meeting next March. All the copperheads, and opponents of the abolition of slavery, are elected to stay at home, while the advocates of freedom take their places, and will do their duty to this country. It is, therefore, simply a question of time. It is unnecessary to say, that on the admission of our delegates to Congress, depends our very existence as a Legislature. Therefore it is not only our duty, but interest, to see them instructed in the manner proposed. Should they be rejected, we may disband at once, and will undoubtedly be ordered to do so, and leave a good work undone, to the great detriment of the public service and the cause of freedom. I wish the vote published on this question, to let all see who the friends of the government are, and who are its opposers. I am not a copperhead, a traitor, or a tory. I am a friend to this government, and have made as great sacrifices as any man in so humble a sphere of duty, and have rendered all the service

that my abilities allowed. From the vote on this question, I wish the public to see who are opposed to the government, and who are in its favor.

The motion to table was lost, by the following vote :

Yeas—Messrs. Boulligny, Kavanagh, Meeks, Wood—4.

Nays—Messrs. Bovee, Bofill, Balser, Buckley, Brown, Bensel, Badger, Bernard, Burke, Bondreaux, Bangs, Breckenridge, Belden R. L., Cook, Creigh, Collins, Chamberlain, Christie, Duane, Dejean, Danel, Egan, Eunis, Foley, Gannon, Galligar, Griffith, Harnan, Howes, Haberlin, Ingram, Kleas, Kamper, Laster, Lester, Laloiere, Lewis, McCann, McGuire, Miller R. M., Maas, Michel, Mace, Marie, Nephler, O'Conner, Pearson, Prescott, Robinson, Riggs, Schilling, Seymour, St. Martin, Smith, Senette, Tully, Todd, Van Tromp, Walsh, Waters, Woodward—61.

The resolution was then adopted, and by a suspension of the rules passed on its third reading—yeas 60, nays 5.

On motion of Mr. Tully, the House then adjourned until 12 M., Friday, January 20th.

FRIDAY, January 20, 1865.

The House met, pursuant to adjournment, when the Rev. Mr. Thomas offered prayer.

The minutes of yesterday's proceedings were read and approved.

MR. BADGER—Mr. Speaker : I move a reconsideration of the vote adopting the report of the Committee on Internal Improvements, announcing the discharge of its clerk.

The motion was carried.

MR. PRESCOTT—Mr. Speaker : I desire to present my reasons for offering that report on yesterday. In the first place, I could but feel that the employment of a clerk on this particular committee was adding unnecessarily to the crushing weight of taxation which is now pressing so heavily upon the people of this State—adding, perhaps, the last straw. I also could not but feel that the few duties discharged by the gentleman in question, were performed in an entirely unsatisfactory manner.

Knowing that the rest of the committee were aware of the uselessness of our employing any clerk, and supposing that they coincided with me in regard to the inefficiency of the incumbent, I took the liberty of discharging him, without intending any disrespect to the remainder of the committee.

MR. BISBEE—Mr. Speaker : The remainder of this committee do not, perhaps, so much object to the discharge of this clerk, and possibly coincide with the gentleman in all his remarks, but we do most positively object to this summary method of doing business. None of the rest of the members were consulted and knew nothing whatever of the matter until the question was already virtually settled.

MR. CREIGH—I move that the report be referred back to the committee.

The motion was carried.

MR. PRESCOTT—I resign my position as chairman *pro tem.* and member of Committee on Internal Improvements.

The resignation was accepted.

The secretary of state announced the election of John Wolf, Esq., to fill the vacancy in the House occasioned by the resignation of R. McDonnell, Esq.

The communication was referred to the Committee on Elections.

The Hon. Dan. Christie was called to the chair.

The resolution increasing the *per diem* of the warrant clerk (laid over from yesterday) was taken up.

THE SPEAKER pro tem—This resolution having been annulled by a previous enactment, I declare it out of order. A resolution was introduced here sometime ago declaring that the warrant clerk should only receive eight dollars per day. A full discussion was at that time had, and the resolution having been passed, a motion to reconsider it was lost. This resolution proposes to annul that one, and I again declare it out of order.

MR. PEARSON—I appeal from the decision of the chair.

The House refused to sustain the chair—yeas 26, nays 45.

MR. FOLEY—I move that the words excepting the warrant clerk from the action of the previous resolution, be stricken out.

MR. BOFILL—I move to lay that on the table.

The motion was carried.

MR. CREIGH—I move to amend and give all clerks twelve dollars per day.

MR. MEEKS—I call for the previous question.

MR. MICHEL—I move we adjourn, and claim that it is first in order, according to rule 32.

The motion was lost.

The resolution was then adopted—yeas 44, nays 25.

MR. BOFILL—I move a reconsideration of that vote.

MR. TODD—I move to lay that motion on the table.

The last motion was carried.

Mr. Michel offered the following resolution :

Resolved, That the office of warrant clerk, of this House be, and is hereby declared vacant.

Rejected.

A motion to adjourn was lost—yeas 28, nays 45.

MR. BADGER—I move a suspension of the rules to take up the bill defining the duties of State tax collector, on its second reading.

MR. FOLEY—I move to lay it on the table.

Lost, and the motion to suspend, carried.

The bill was read.

MR. FOLEY—I move it be referred to the Special Committee on Revenue.

Lost.

MR. MICHEL—I move to reject the bill.

Lost.

MR. MEEKS—I move to refer it to the Judiciary Committee.

Lost.

MR. CHAMBERLAIN—I move that it be taken up section by section and proceeded with.

Carried.

The first section was read.

MR. TULLY—I move to strike out "two-thirds" from the part reading, "give bond and security according to law, in a sum which shall be equal to two-thirds of the amount of taxes levied," etc.

MR. MICHEL—I move to lay it on the table.

Lost.

MR. MEEKS—I move to amend by making the bond for the Fourth District, \$30,000 instead of \$15,000, and insert "in the parish of Orleans, Right Bank." The amendment was accepted.

A motion to table all amendments was carried, and the first section adopted.

On motion, the House then adjourned until 12 m., Monday, January 23d.

MONDAY, January 23, 1865.

The House met at 12 o'clock m., pursuant to an adjournment, Hon. S. Bel-
den, speaker, in the chair.

Mr. Baum offered the following resolution :

Whereas, His excellency, Michael Hahn, governor of Louisiana, has, in his wisdom, recommended that Tuesday, 24th instant, be observed and respected by the people of Louisiana as a holiday for recreation and festivity, in honor of the emancipation acts of Missouri and Tennessee ;

And whereas, The House of Representatives fully endorse the purposes of his excellency's proclamation, and has with satisfaction learned that two new stars have been added to the constellation of liberty, independence and freedom ;

Resolved, That in conformity with his excellency's proclamation, this House will not meet on Tuesday, (to-morrow) and will adjourn to-day to meet again on Wednesday, the 25th inst., at 12 m.

Resolution adopted.

Mr. Breckenridge offered the following resolution :

Whereas, The States of Missouri and Tennessee have solemnly proclaimed that all slaves within their borders were immediately and forever declared free, and that the institution of slavery is now and forever prohibited throughout the States ;

Be it resolved, That we hail with delight the glad tidings of freedom, and send greetings to our sister States, Missouri and Tennessee, and that we observe Tuesday, January 24th, as a holiday, in honor of the edicts of emancipation declared by said States.

Resolution adopted.

Mr. Duane offered a resolution that the special committee appointed to investigate the charges brought against Robert Watson, assistant sergeant-at-arms, take the testimony of the witnesses in writing and lay it before the House.

MR. PEARSON—I would state that there are no charges whatever preferred against Mr. Watson, by either Mr. Duane, or any one else.

MR. BOVEE—I move the resolution be referred to the special committee already appointed on this subject.

MR. DUANE—As the gentleman states, there have been preferred no charges, but he has been suspended by the sergeant-at-arms, for an investigation of alleged dishonesty. It appears I am mixed up in that report, but I have preferred no charges. I appeared before the committee on Saturday, for the purpose of giving my testimony, and was interrupted so much by this same Robert Watson, that I was unable to conclude. He positively declared I was a thief, in the presence of that committee. I called for the action of the committee, in behalf of the dignity of this House. I am well able to protect myself, and only wished the dignity of this body maintained. It is too much for an employé, so recently placed here, and under such peculiar circumstances, to halt me in the hall, on my way to this body, and there call me a thief, and send word to my friends he wished to fight me. I can refer to two or three other members he has insulted in the same manner, and I shall ask, and insist, that this body take this matter under consideration.

MR. PEARSON—The gentleman has told the House what Mr. Watson said ; but he has not told the reason, nor the cause that made him act in this manner. I say a member of this House has no more right to call an employé a thief, than the employé has to call the member a thief. Let us look at both sides.

The motion to refer was then carried.

The Committee on Elections reported that John Wolf was duly elected to fill the vacancy occasioned by the resignation of Mr. McDonnell. Mr. Wolf was then sworn in.

The Committee on Unfinished Business reported one hundred and twenty-seven bills as the number left over from last session.

The Committee on Claims reported that they had appointed M. Secard as clerk.

MR. BOULIGNY—I move the report be rejected. Mr. Kennedy was employed as the clerk of the committee, and was discharged for the reason that there was no work. Now that there is work, I say, let us reinstate him.

MR. KAVANAGH—I am a member of that committee, and received no notice whatever of a meeting of the committee. I object to their appointing this gentleman, or any other.

MR. MICHEL—I notified every member of the committee who was present

last Friday, and all attended excepting Mr. Kavanagh and Mr. Cook. Six members were there, and five voted for Mr. Secard.

MR. HOWES—I think the former clerk has a right to the place.

MR. BADGER—There was a resolution, that when a clerk was discharged for the want of work, he shall have a preference, if his service is required.

MR. BOUDREAUX—The former clerk was discharged, there being no work for him to do. He would not give us a satisfactory reply whether he would take the place, when wanted. Last Friday we met, and nominations were made, and a quorum being present, another clerk was elected.

MR. KAVANAGH—I move that the report be referred back to the committee.

MR. MICHEL—As far as I am concerned, I had no choice. I called the committee together, and asked if we should elect a clerk. A majority decided to do so, and Mr. Boulligny made one nomination and Mr. Burke the other.

On taking the vote, five voted for Mr. Secard and one for Mr. Crozat.

The motion to reject the report was carried.

The following bills were adopted on their first reading :

A bill for the relief of James Wood, owner of the steamboat G. W. Forrest.

"An act to amend article 646 of the Code of Practice."

"An act to amend article 635 of the Code of Practice."

"An act to amend article 634 of the Code of Practice."

"An act to amend article 189 of the Code of Practice."

"An act to establish a ferry across the Vermillion river."

"An act to amend article 576 of the Code of Practice."

"An act to amend the second clause of article 275 of the Code of Practice."

"An act to amend article 413 of the Code of Practice."

"An act to amend article 280 of the Code of Practice."

"An act to amend article 135 of the Code of Practice."

"An act to amend article 241 of the Code of Practice."

"An act to amend article 49 of the Code of Practice."

"An act to amend article 670 of the Code of Practice."

"An act to amend article 659 of the Code of Practice."

"An act to amend article 660 of the Code of Practice."

"An act to amend article 662 of the Code of Practice."

The bill to provide for paying the commutation of certain persons who may be drafted under the late order of the Commanding General of the Department of the Gulf, was taken up.

MR. HARNAN—I move its rejection.

MR. CHAMBERLAIN—As the author of the bill, I wish to say a few words. I confess I admitted the clause exempting members of the Legislature with great reluctance. The other two classes, I hold, we ought to do something for, and I believe the Legislature is the proper body to do it. This is the only State that has offered no bounty for volunteers. If we offer such bounty, we have to pay it to every man that vol-

unteers; but by passing this bill, after excluding the Legislature, if you choose, we only have to pay for the commutation, or purchase substitutes for two classes of people, and very worthy classes too. They are merely the father of a family consisting of three or more children under twelve years of age, dependent on him for support, and an only son or brother, upon whom three or more persons depend for support. I think no gentleman will deny that these classes are worthy of our consideration. I hold, these classes ought not to be rejected. Expunge the objectionable portion relating to this body and adopt the balance, and you will be doing a worthy action.

MR. CHRISTIE—The reasons assigned by the gentleman for the adoption of such a bill, I hold to be thoroughly superfluous. I am impressed that the laws of the United States exclude the very classes named in the bill; but of this I am not positive. What idea does the gentleman wish to inculcate? That the loyal people of Louisiana desire to be exempted from the service they owe their country? I do not believe there is a single gentleman in this House or out of it, who has a particle of loyalty in his bosom, that desires the passage of any such enactment. As for the rebel portion, let them go to the devil as fast as military power can send them. Gentlemen are entitled to their views, but as for my part, I believe I could do the government a great deal more service with a musket on my shoulder, than standing here speaking to you. I think it is high time Louisiana contributed, and largely too, from her loyal element, to defend this State. We have had a number of these questions here, all tending to the same purpose, and whether we act or not, the military will carry out these measures, at least I hope they will, and trust this bill will be rejected.

The motion to reject was carried.

The bill defining the duties of state tax collectors was then taken up.

MR. CHAMBERLAIN—After the words "and such sale shall not be void for want of form in the title," in section 6, I move to insert, "and the persons making such purchase shall be put in possession by the sheriff."

Adopted.

MR. BOUDREAU—I move to make the notice in the papers of the sale of goods seized, twenty days instead of ten.

MR. SEYMOUR—I amend to thirty.

Adopted.

MR. HARNAN—I move to amend by inserting after "thirty days notice given in one newspaper," the words "four times."

Carried, and the section adopted as amended.

MR. MICHEL—I move to strike out section 7.

MR. EGAN—I move to lay the motion on the table.

Carried.

Mr. MICHEL—I move to strike out “parish of Jefferson,” of section 11.

Laid on the table.

Mr. SEYMOUR—I move to insert after “parish of Orleans,” the words “right and left banks.”

Adopted.

Mr. FOLEY—I move to amend section 11, after “make a payment and statement in like manner,” by inserting “quarterly.”

Adopted.

Mr. FOLEY—After the last amendment, I move to strike out the words, “within the first five days of September.”

Adopted.

Mr. CHAMBERLAIN—I move to amend section 13, by substituting “shall” for “may,” making it read, “and immediately after the said delinquency shall occur, shall require the district attorney,” etc.

Adopted.

The bill was then adopted as amended, and ordered to be engrossed.

Mr. HARNAN—I move a suspension of the rules to put the bill on its third reading.

Carried, and the bill adopted.

Mr. HARNAN—I move a suspension of the rules to take up a joint resolution, prohibiting the city of New Orleans from charging more than one hundred and fifty dollars for the license on retail dealers of spirituous liquors.

Carried.

The resolution was adopted, and by a further suspension of the rules, put upon its second reading.

Mr. CHAMBERLAIN—We cannot act in this matter as a legislative body. We can introduce a clause to this effect into the city charter, prohibiting the city from charging more than \$150, but we cannot legislate upon it specially. It is a municipal affair entirely, and we have no right to interfere, but by introducing a clause in the charter.

Mr. HARNAN—I only wish to equalize taxation. Some of the dealers around the canal and on the smaller streets do not sell five dollars worth in a day, and yet they are required to pay the same tax as one of the larger places on St. Charles street.

Mr. FOLEY—I move it be referred to the Special Committee on Revenue.

Carried.

On motion, the House then adjourned until 12 m., Wednesday, Jan. 25th.

WEDNESDAY, January 25, 1865.

The House met, pursuant to adjournment, when the minutes were read and adopted.

The speaker appointed Mr. John Wolf on the Committee on Claims, vice R. M. McDonnell, resigned.

MR. BOVER—**Mr. Speaker** : I have the honor to submit the report of the Charity Hospital, and move that, in accordance with custom, 200 copies be printed.

MR. CHRISTIE—I would like to know why that report has not been presented before.

MR. BOVER—It was presented to me to-day, sir. It has been delayed a little, on account of the sickness of one of the administrators and the secretary.

Two hundred copies were ordered to be printed.

Mr. Bouigny offered a resolution providing that committee clerks who have been discharged on account of want of business, shall have precedence for appointment over all others, when a necessity arises on the part of said committees for the employment of any clerks.

A motion to reject was lost, and adoption thereupon, moved.

MR. DUANE—I think, **Mr. Speaker**, that it would be very unfair for any committee of this House to dismiss a clerk on the ground that there is no business for him to perform, and then employ a new one, when the services of a clerk are again required, holding the former occupant all the while in suspense and with the expectation of returning to the office to which he was originally appointed and from which he was removed for no fault of his. It would certainly be unjust to prefer a new applicant to the office, unless the former possessor of it was removed from it on account of some fault.

MR. LEWIS—It strikes me it would be very unjust to oblige any committee to appoint any particular clerk, whether he is a suitable person or no.

MR. PEARSON—I don't think, **Mr. Speaker**, that the resolution designs or expresses any such thing as the gentleman has just hinted at. I know of one instance—that of **Mr. Kennedy**—who was elected by a majority of the committee, thereby showing that he was preferred as the clerk of those gentlemen. He was dismissed simply because there was no work for him to do, and I insist that he should be re-appointed to that clerkship, if that committee ever needs the services of any scribe.

MR. VAN TROMP—**Mr. Speaker** : I believe that any committee may prefer charges against a clerk for investigation, but that no clerk should be discharged, unless for incompetency and neglect of duty.

MR. BEEBE—**Mr. Speaker** : I seldom trespass upon the time of this House, but I must ask your indulgence when a principle comes before us for discussion.

The several committees of this House should be allowed clerks of their own selection, and I must protest at the inaugurating a policy by which certain parties shall receive public funds, whether or no their employers are willing. If a clerk is to be forced upon a committee, it seems to me that a grave injustice must be done, for the reason that parties themselves are the best judges of the qualifications of those whom they employ. Whenever a

committee appoints or discharges a clerk, the House should approve such action.

I therefore am opposed to this resolution, and hope that the House will not adopt it.

MR. BURKE—I do not think, Mr. Speaker, that this matter ought to come before the House at all, and I therefore call upon you to decide it out of order.

MR. BOUDREAUX—Mr. Speaker: It seems to me that the House is only informed of the action of a committee in regard to clerks, as a matter of courtesy. I therefore ask you to decide this resolution out of order.

MR. H. C. BELDEN—Mr. Speaker: I do not wish to speak personally of the gentleman who introduced this particular resolution, or of this matter *per se*, but of the general proceedings of the House as well. In order that my position may be well understood, and that my constituents and the State at large, as well as this honorable body, may understand my position, I hope that the official reporters of this House will not fail to report my remarks verbatim, desultory though they may be.

I take the ground that this resolution is entirely out of order, for the reason that, on referring to article 40 of our rules and regulations, we find standing committees have the right to, and are invested with, the power of appointing their own clerks, which takes the whole matter out of the hands of this House. Therefore, if any standing committee finds that it has not sufficient business to employ any or all of its clerks, it has a perfect right to discharge that particular clerk or all clerks. On the other hand, that committee is vested with full power to employ just so many clerks as the proper transaction of its business renders necessary. But in this resolution, now before us, no mention is made of the repeal of this article, although we cannot, with the least propriety, take it or any similar one under consideration until that step has been taken.

I am exceedingly sorry to see this, and many like resolutions, brought before us, because they merely clog the wheels of government, and force us to idle away time upon matters which have no right whatever to be presented upon this floor. We have been in session some five months, and I find, by the record, that we have only passed eleven bills that have become laws. We are here, representing the loyal people of Louisiana, who have, in some instances, sent delegates from within the rebel lines—at the risk of losing everything of a personal character which is dear to them—in hopes that legitimate civil government would be fully established, and that loyal arms would carry conviction to every inch of rebel territory throughout Louisiana. But our time has been monopolized by more superfluous and out-of-place resolutions—one of which was, to request the closing of the Academy of Music, because the actors therein simply charged us—too truly—with trifling away the public time and money. I must say—and the remark is most

signally applicable in the present condition of the treasury and the State at large—that every resolution not pertaining to matters of public utility, should be discarded as soon as presented to us. A resolution came before us at the very last session of this House, to provide substitutes under the coming draft—members of the General Assembly, among others.

MR. CHAMBERLAIN—I call the gentleman to order ; he is not speaking to the question.

MR. H. C. BELDEN—I am merely speaking of that particular resolution, in order to illustrate my remarks. I say that that resolution was a disgrace to us and the State, and should have been immediately declared out of order. [Cries of "out of order."] I reiterate my previous declaration, that our rules amply provide for the matter under consideration, and that the speaker should not for a moment suffer it to be considered.

MR. PEARSON—**Mr. Speaker** : I contend, that when a committee clerk, who is fully competent to fulfill his duties is discharged, merely on account of there being no business for him to perform, he should be reinstated whenever the duties of that committee again require the employment of an employé of that description.

MR. BOYER—I move the whole matter be indefinitely postponed.

MR. FOLEY—I move the resolution be laid upon the table.

MR. BURKE—I call upon the chair to decide it out of order.

THE SPEAKER—I will allow the House to decide the question, unless it wishes me to do so.

The motion to table the resolution was lost, as was a motion to table the indefinite postponement of it, after which the motion to indefinitely postpone was carried.

A resolution was offered, calling for a committee of three to witness the burning of two hundred thousand dollars of Crescent City Bank bills, and to dispose of damaged State documents in the State auditor's office.

MR. PRESCOTT—**Mr. Speaker** : I presented this resolution by request of the state auditor, Dr. Dostie. The bills referred to are mutilated, but might still be so patched together as to lead to the commission of serious frauds upon the bank that issued them.

There were many State documents buried by the rebel officials, at the time of their flight from Baton Rouge, which have been exhumed by Dr. Dostie. They may be so damp as to be worthless as a whole, but certain portions might be used by dishonest parties to the prejudice of public interest, and should be destroyed.

It seems to me that it would be eminently proper to appoint such a committee as is asked for, that a proper disposition of these documents may be ordered and carried out.

MR. DUANE—I move the whole subject be referred to the Committee on Banks and Banking.

MR. CHRISTIE—**Mr. Speaker** : I cannot understand why the state auditor desires a committee to perform business which the Committee on Banks and Banking should attend to. I therefore hope that the House will take no action in regard to the resolution, though, in regard to State records, I have nothing to say.

A motion to table the motion to refer to the Committee on Banks and Banking was lost, and the original motion thereupon, carried.

The Senate reported unfavorably on the House bill to repeal articles 14, 15, 16, 17 and 18, of the act relative to elections.

Mr. Todd : "An act for the better observance of the Sabbath, or first day of the week."

Mr. Lewis : "An act to amend rule 62, of the House regulations, that it may conform to the constitution of the State."

"An act to increase the salary of the chief clerk of the State treasury," came up on first reading.

An act to make all property acquired by either husband or wife, from the date of their marriage, as community property, was taken up on its first reading.

MR. PRESCOTT—I believe such a law has prevailed in some of the countries of Europe, but it has always been regarded as a relic of barbarism, against which public opinion has strongly contended, hitherto. It is a fact, that such laws have been enacted in some of the States, but that does not prove their justice. A law of this kind has never prevailed in Louisiana, and she has achieved a proud pre-eminence, because she has protected the rights and liberties of those unable to protect themselves. In some countries, the wife is the slave of the husband, in a legal sense. Here, alone, she was his equal, in regard to property. There are many women who follow trades or professions, by which they make a large property—as school teachers, etc. Shall the husband have the control of the property which he never earned—the fruit of their industry? Shall he have the right to dissipate that property to which he never contributed? I say, if he has, it is an act of gross injustice. It is a step backward, and we retrograde, instead of advancing with the march of the nineteenth century. There are many intelligent wives, with great powers of mind, who, by their industry and talents, acquire property. It frequently happens that their husbands are dissipated drunkards, and men of the vilest stamp, whom, of course, these women have married under a delusion. They cannot escape from that tyranny; but the laws of this State justly provide that the property of the wife shall remain intact, and cannot be squandered by the husband.

Let us not retrograde. Let us protect these virtuous women, who ask nothing more than to hold the property they have acquired by honest industry. I could cite hundreds of cases, if I wished to go into details, where men would have squandered large amounts, if the laws had been changed

so as to allow it. I trust they never will; and believe there is too much patriotism, too much magnanimity, and, I may say, too much humanity, to sanction or tolerate a law which is only a step towards the barbarism of the past. I therefore trust the bill will be rejected.

MR. BIBBEE—I have several objections to the bill that has just been read. Our laws are all framed on the subject, and this bill would reverse the whole matter. The State of Louisiana has legislated upon this subject very carefully, and has intended to protect those who deserve protection. I conceive there is no reason in the world why the law we have, in regard to the persons mentioned in this bill, should be disturbed or changed in any manner. This is a bill of very great importance, and I hope the House will give it due consideration—affecting, as it does, the highest interests of the State. I do not think this body, however intelligent it may be, can improve the laws already existing on this subject. Therefore I am opposed to the whole matter, and shall certainly vote against it; for I think the present laws of the State are equally just to all parties.

MR. DEJEAN—I am of opinion that the member who introduced this bill had not even so much as taken a cursory glance at the existing laws on the subject; because, if we look upon it in its proper light, and consider the bearing which this bill has on the rights of the wife, we must necessarily come to the conclusion that it sweeps far away every vestige of her rights. It says there shall be community of property existing between the parties at the settlement of their marriage, and does not make any exception as to dowry, etc., but in a single word includes all, subject to the liabilities and control of the husband. So far as community of property is concerned, it is utterly useless to pass any law upon the subject, because the existing laws are full and ample, and cover every point. If we adopt this bill, with the provisions it now embodies, we at once undermine every principle of the law of succession of this State. With these remarks I leave the subject to the House, and hope it will take no favorable action on the bill.

On motion of Mr. Prescott, the bill was rejected by the following vote: yeas 58, nays 4.

The speaker appointed the following joint committee on laws relating to elections:

Messrs. Meeks, Laster, Tully, H. C. Belden, Hawthorne.

The consideration of the City Charter was resumed.

MR. HARNAN—I move as an amendment to section 6, to strike out "two recorders" and insert "four recorders."

MR. FOLEY—I move to lay it on the table.

Carried.

MR. MICHEL—I move to insert the word "representative," making it read, "assessor from each representative district."

MR. FOLEY—The joint committee had the matter under consideration for a

long time. If you insert the word "representative," you will have eleven assessors, and that will put the State to an expense of nearly \$25,000 a year. Now in this hall, of the best information, say that four assessors are sufficient for the city, and I believe they are. There are only four State assessors, and they have a great deal more to do than the city assessors. The State assessor has to make out three rolls, while the city assessor has to make but two. Therefore, I move to lay the amendment on the table.

Carried.

MR. LASTER—I move to insert the word "municipal" before "district."

A motion to table was lost, and the amendment adopted.

MR. CHRISTIE—I move to amend section 8, by making the city election come on the third Monday in May, instead of March.

Laid on the table.

Mr. Todd was called to the chair.

MR. FOLEY—In section 20, I move to strike out, "Being the 19th section of the Charter of 1852," and insert, "Be it further enacted, &c." It is a typographical error.

Adopted.

A motion to adjourn was lost.

Several sections were adopted without amendment, when a call of the House was demanded, and fifty-nine members responded.

On motion, the House adjourned until 12 m., Thursday, January 26th.

THURSDAY, January 26, 1865.

The House met, pursuant to adjournment, when the minutes were adopted as read.

Mr. Van Tromp introduced a resolution requiring clerks of committees to be present during the sessions of the House, on pain of losing their *per diem*, on occasion of each non-attendance.

The resolution was adopted.

Mr. Gannon introduced a resolution prohibiting the state treasurer from paying the face of State warrants to any but members of the General Assembly, and its employés.

MR. BAUM—I move the rejection of the resolution.

MR. CREIGH—I move its adoption, for the reason that speculators get all the money in the treasury and we have to go without any.

THE SPEAKER—The resolution is out of order, as those warrants are all transferable, and the treasurer has only to pay them to a lawful holder.

MR. FOLEY—If that resolution did pass, Mr. Speaker, the treasurer would take no notice of it, as every law must pass three readings.

MR. CHAMBERLAIN—Besides which, the passage of such a resolution would

be to promulgate the doctrine that the State is not willing to and will not pay its own debts.

Mr. Lewis offered a resolution amending article 62, of the rules and regulations, so as to make a vote of "four-fifths" instead of "two-thirds" of the members present, necessary to a suspension of the rules, in order that the rule and a constitutional provision on the subject, might be harmonized.

A motion to table was lost, and the resolution thereupon, adopted.

The committee on auditing and supervising the affairs of the House, reported the approval and auditing of contingent expenses, to the amount of eleven hundred and thirty-six dollars.

The report was adopted.

The Committee on Revenue reported unfavorably on the joint resolution, prohibiting the city of New Orleans from demanding more than one hundred and fifty dollars as a license for selling spirituous liquors, and recommended the passage of a substitute (presented with the report) therefor.

The report was adopted.

The committee on investigation of charges against Mr. Watson, assistant sergeant-at-arms, reported that the charges were groundless, and the gentleman to be worthy the confidence of the House. The evidence taken in the case was presented by the committee, and read by the clerk of the House.

MR. H. C. BELDEN—I move that the gentleman be declared reinstated in his former position.

The motion was carried.

MR. LASTER—I move that the evidence and proceedings be expunged from the minutes of the House, and that the reporters be instructed to leave out the whole matter in their reports.

MR. PEARSON—I move that motion be laid upon the table.

MR. CHRISTIE—I have a resolution to present, in reference to this case, on the morrow.

MR. LEWIS—Mr. Speaker: This matter was referred to a committee for investigation. That committee has taken all the evidence in relation to the affair, and it is not right that such official proceedings should be expunged from the record.

MR. BAUM—I move a suspension of the rules, to take up the resolution of which notice was given a moment ago.

The motion was carried, whereupon Mr. Christie offered a resolution, setting forth that Mr. Watson, assistant sergeant-at-arms, on account of having grossly insulted members of the House, be discharged.

MR. PEARSON—I move that resolution be laid on the table.

The motion was carried.

MR. PEARSON—The gentleman has shown very little respect to the committee, in offering that resolution.

MR. CHRISTIE—Mr. Speaker: I claim the right of explaining the reason for offering that resolution. I did so, for the reason that at least one member (and I understand others) has been grossly insulted by this employé, whose position is such as to bring him in frequent contact with all of us, and who is, as I hold, entirely unworthy of the position which he now holds, of assistant sergeant-at-arms to a loyal Legislature.

I would ask gentlemen if they mean to perpetrate an act which will have a decided tendency to disorganize us, and cause a feeling of ill-will and dissention among members? What gentleman of this House, who has the least part of loyalty or feeling—which I believe all do possess in an eminent degree—will submit to be governed by a man who has not the dust of the rebellion yet off his heels?—by a man who went out of this city, boldly and defiantly, with his eyes open, as a traitor to Louisiana and to that government that he now assumes to cherish so fondly? I say, that no man can be rightfully placed in the position of sergeant, or assistant sergeant-at-arms, unless he is known to be a man of characteristic loyalty. How many rebels return to us, take the oath of allegiance, and also take the bread out of the mouths of loyal citizens?

When this assistant, in the very presence of the committee, applied a vile epithet to the mother of a gentleman of this House (Mr. Duane,) why did not the chairman of that committee put him immediately under arrest? Or why is such a transaction allowed to occur in a committee room and be studiously kept from the knowledge of this House? I say, sir, that such a man as this, who within that committee room, applied that epithet which is conceived to be the most insulting that can be applied to the mothers who bore us, should not be allowed to retain his position for a day longer. I also say, that if the sergeant-at-arms cannot appoint as his assistant some one who has ever preserved the character of a Union-loving and law-abiding citizen, he also should be swept away, and his position be filled by some man who has always been with and for the cause.

[Permission was extended to all members to speak on the subject.]

MR. PEARSON—Mr. Speaker: It has been said that a member of this House has been grossly insulted by Mr. Watson, the assistant sergeant-at-arms. I acknowledge that to be the fact, but I contend that when an employé of this House is insulted by a member thereof, that such member lays himself open to insult, and should not complain if the same language and treatment is measured out to him as he metes out to his adversary, for every man has a right to protect himself. The member in question, (Mr. Duane,) charged Mr. Watson with being a thief, which he has utterly failed to prove before the committee. As far as regards the gentleman's loyalty, and what the gentleman on my left (Mr. Christie) said about his not having the dust of rebellion from his heels, that is all balderdash and buncombe; for the honorable member knows as well as any or all of us do, that men were forced to go into the

rebel army, whether they wished to do so or not. The gentleman said he could explicitly prove that he was obliged to go into the Confederate army against his will. I will say this much for him on that score, that I believe there are just as loyal and good men who have served in the Confederate army two years, as in New Orleans, who have served in that army not at all.

There seems to be a malicious desire on the part of the party preferring charges against Mr. Watson, to follow him up and ruin him—speaking only from the evidence before the committee. In the first place, he was appointed upon the police, when charges were brought against him to the effect that he was going to sell, or had sold, city lumber, which were referred to the mayor, instead of the chief of police—the proper tribunal. The mayor issued an order to discharge Mr. Watson, without having given him an opportunity to defend himself. Nevertheless, he is discharged—branded with the name of thief, by the person through whom he lost his position. But this gentleman soon obtains another means of support, in another department, where this same lieutenant again finds him, and causes him to be again discarded—branding him once more with the ignominious epithet of thief—on account of which, he tells me, he was dismissed. This same gentleman finally obtained the position of sergeant-at-arms of this House, when his old enemy—this same lieutenant, still burning with a desire to injure and oppress him—goes to the sergeant-at-arms, and tells him that he has a thief in his employment, and seeks to get this functionary to discharge his newly-appointed assistant. A committee was asked for and appointed, from whose report, and the evidence in the case, we can draw no other conclusion than that this gentleman has been most wickedly and maliciously injured.

I think that the reputation of this young man is as good as that of any other of this city, and that he is entirely worthy the confidence of this House. The committee reported wisely and impartially on the case, while the House acted wisely in receiving that report and directing this gentleman to be reinstated.

If any further action is taken in regard to the matter, I hope that it will be to assist the young man in regaining a reputation which has been continually injured for the last year and a half, to subserve no other purpose, perhaps, than that of political trickery.

Mr. Watson was told by Mr. Terrebonne that certain gentlemen on my right (Messrs. McGuire and Duane) had called him a thief, whereupon he had sufficient grounds to—as he did—go and ask if this had been really said.

Again: if Mr. Watson has insulted any member of this House, it has not been done while the House was in session, but in streets and bar rooms—on which account I declare that the whole affair should be settled privately, and that the time of this House should no longer be spent in regard to it.

Mr. VAN TROMP—As chairman of the committee, I would state, for the information of the House, that the young man, when he saw that Mr. Duane

was so desirous of ruining his reputation and character, became exasperated, and spoke as hastily as he did. I told him he must not speak in that manner, and he excused himself, and admitted that he was too hasty. As for his loyalty, he has shown the evidence of it that is necessary in such a case. He has come here and taken the oath required by the laws of the land; and no matter if he has been in the Confederacy fifty years, if he acknowledges he was wrong, and comes here and says he has been guilty of bearing arms against the government, I am ready to receive him, and so is the government.

THE SPEAKER—The order of the day will now be taken up.

MR. TODD—I move a reconsideration of the vote rejecting the bill relative to the community of property of married persons. I think it is treating a member with very little courtesy to reject his bill on the first reading. It should have been taken under consideration, and referred to a committee.

Lost.

The consideration of the City Charter was resumed, and the bill taken up section by section.

MR. FOLEY—I move, as an amendment to section 25, to add the following:

"But the assessor for the Fourth District shall embrace the First Representative District as a portion of his assessment district."

MR. LASTER—I move to lay it on the table.

MR. FOLEY—I wish to explain my reasons for offering this amendment. It is well known that the Fourth District only embraces two small wards—the tenth and eleventh. The First District embraces three Representative Districts, and the Third District is as large as the whole. The assessor for the Fourth District is paid the same as the one for First District, in this bill while his labor is much less. This amendment makes it the same as the State assessor has to do now. The city is divided into four State assessment districts, and the State assessor of the Fourth District takes in the First Representative District, in order that the work may be properly and equally divided. I hope gentlemen will agree with me in regard to the justice of this amendment and give it their support.

THE SPEAKER—The constitution gives the right of free discussion on all questions, but by the rules of the House it cannot be allowed when a motion is made to table. When a question has not been previously discussed, I shall decide in favor of the constitution, and other members can express their views.

MR. CHAMBERLAIN—This is a charter of the city of New Orleans, and as such, we can legislate only for the city of New Orleans. Now, the city does not extend beyond the Fourth District; therefore, no officer appointed as assessor of that District can be recognized in the city or parish of Jefferson.

MR. FOLEY—The gentleman does not understand the amendment. The

portion I want to embrace in this District is from Thalia street to Felicity Road. It does not go into Jefferson city at all.

MR. BADGER—If the duties of the assessor of the Fourth District are so much less than the other Districts, it is so much to his advantage. He has as much territory to go over, though not quite as much property to assess.

MR. LASTER—In regard to annexing the First Representative District to the first municipal district, I think it is entirely wrong, for the reason that all we can do in the matter is to empower the city of New Orleans to appoint or elect four assessors. It is not for them to choose their districts, nor for us to say what their duties shall be. They will be governed by the Common Council. The gentleman says we wish one from each district. Then how is it that in one portion of this charter municipal districts are specified, and now it is wished to enlarge them? The lines of the municipal districts are all known and laid out, and I do not think it would be expedient to change them, merely to relieve one assessor from a little duty.

MR. HARNAN—The only reason for so doing, is to divide the labor equally among the assessors of the various districts.

MR. LASTER—I have another word to add. If the bill passes without this amendment, and any gentleman aspires to the office of assessor, he will know that one district extends from Canal street to Felicity Road, and if he is not willing to assess that, let him not run for the office. He knows his duty before he is elected.

MR. MICHEL—I was in favor of the amendment, but in looking at section 6, I find that the amendment to make an assessor for each representative district, instead of municipal district, was voted down; therefore, if we change this, it will conflict with the section as amended.

The motion to table the amendment was carried.

MR. LESTER—I move to amend section 25 in regard to the salary of assessors, by inserting, "shall not be less than \$3,000, nor more than \$4,000 per annum."

MR. FOLEY—I move to further amend by adding, "except the assessor of the Fourth District, whose salary shall not exceed \$3,000."

MR. PEARSON—I move to lay the amendment on the table.

Carried.

MR. CHRISTIE—I move as amendment to section 26, to strike out "ordinances of the Common Council" in "under the ordinances of the Common Council organizing the same," and insert, "acts of the Legislature providing for the same."

MR. BOVILL—I offer as a substitute, "as provided for by article 133 of the constitution."

MR. PEARSON—I move to lay the substitute on the table.

Carried and amendment adopted.

MR. CHRISTIE—I move to amend in regard to the salary of the mayor, by inserting, “not less than \$5,000 per annum.”

MR. LASTER—I move as an amendment to the amendment, to fix the salary at \$5,000.

The last amendment was accepted and adopted.

Mr. Chamberlain was called to the chair.

MR. HARNAN—I move to amend by making the salaries of the recorders of the First and Second Districts \$2,500 per annum, and of the Third and Fourth at \$2,000.

MR. BADGER—I move to lay it on the table.

Carried.

MR. LASTER—I offer the following amendment :

“The salaries of the recorders of the First, Second, Third and Fourth Districts shall be \$3,000 per annum, payable monthly.”

A motion to table was lost, and the amendment adopted.

On motion, the House then adjourned until 12 m., Friday, January 27th.

FRIDAY, January 27, 1865.

The House met, pursuant to adjournment, when prayer was offered and the minutes adopted as read.

MR. BOVEE—I move a reconsideration, Mr. Speaker, of the vote taken on yesterday, adopting the amendment which fixes the salaries of assessors at what I conceive to be too small a figure.

The law at the present time provides for the election of twelve assessors at a salary of \$3,500 per year. The president of the board of assessors receives \$900 per year extra compensation for services as such. The secretary of said board receives a salary of \$1000 per year, making a total of \$44,700, amount of salaries paid for such services. The military authorities fixed the salaries at \$2,100 per year, reducing the expenses to \$27,900. The City Charter before the House reduces the number of assessors to four, and as they will require more assistance than previously, it is but right and just to increase their salaries to \$4,000 a year, which will be a saving over the present system, of \$11,900.

The motion to reconsider was carried, whereupon several parties proposed amendments not germane to the reconsideration, whereupon the speaker declared them all out of order and the subject was postponed until such time as it might come up under the order of the day.

A communication was received from the secretary of state, enclosing the returns of an election held in DeSoto parish, whereby and wherein Mr. — Wagfall was declared duly elected State representative, by the votes of eight Union men.

MR. BORILL—I move the whole matter be laid upon the table.

MR. LEWIS—I move that the gentleman, who is here, be allowed to speak for himself.

MR. BOFILL—I withdraw my motion.

MR. POYNOR—Mr. Speaker: The secretary of state has, as in duty bound, made returns to this House of the election of a loyal man, to fill a seat in this hall, and if there is informality in those returns, they will not be accepted, but if they are “all right,” we are bound to admit the gentleman to a seat on this floor.

Gentlemen sneer, because the sheriff who presided at this election has subscribed himself, “sheriff for the occasion.” I see nothing whatever in this superscription which should cause such a feeling, but, on the contrary, it seems to me that he and we might well be proud of the occurrence of such an event.

MR. SKYMOUR—Mr. Speaker: The gentleman might have added that this was, in the language of the penny-a-liners, “a rich, rare and racy” event. It strikes me that eight gentlemen have met, and elected a representative to this House, that he may receive eight dollars a day, and divide that, with the other spoils, among his “constituents.”

DeSoto parish is in the very heart of the rebel territory of this State, and I am constrained to view this whole affair as another gunboat affair.

MR. LEWIS—I move, Mr. Speaker, that this matter be referred to the Committee on Elections, and that the gentleman be summoned before that committee, to explain the matter.

The motion was seconded.

MR. PEARSON—Mr. Speaker: I believe that the secretary of state has sent in his returns in the right shape, stating, without any informality, all the facts necessary to entitle the gentleman to a seat in this House. It appears that this gentleman was duly elected, and that he was subsequently incarcerated in jail, for taking so active a part in the cause of freedom and Union—thereby being prevented from sending in the returns at an earlier period. As soon, however, as the gentleman *did* escape, he came here with his credentials; and I cannot but think that a gross injustice will be done him in refusing him a seat upon this floor. Several gentlemen have been admitted to a seat in this House, who have come from within the rebel lines, and justice demands that the same privilege be accorded to him.

MR. POYNOR—I know, Mr. Speaker, as does probably every member of this House, that there are gentlemen upon this floor who were not in their parishes at the time of their election as representatives, and who dare not now enter therein, for fear of the rebel authorities. Since this is the case, I do not understand why DeSoto parish should be unrepresented; and I cannot understand why the gentlemen to whom I have already referred, should be the most bitter opponents of extending to other parishes the rights which have been secured for those they *claim* to represent.

MR. H. C. BELDEN—Mr. Speaker: I contend that the Committee on Credentials have alone the power of deciding this question, and that it should be left for their decision, though it may not be amiss to discuss the case.

It has been the theory of eminent politicians, ever since this rebellion broke out, that if there were only two men in a parish or State who supported our flag, they represented the loyal vote of that community. But here we find eight loyal men, who wish to espouse the cause of bleeding Louisiana, and I say that they are fully entitled to a representative from the parish, of which they represent the loyal element.

We must recollect that this State is struggling for recognition in the Congress of the United States, having elected delegates thereto from the two-thirds or three-fourths of the State over which our flag has been successfully planted and upheld. Now, if this part of Louisiana claims to be represented, and asks to be, and expects to be, recognized in the United States Congress, with the same consistency may these eight men claim to represent the parish of DeSoto; and upon exactly the same principle may they declare themselves unjustly dealt with, if representation is refused them, as we shall if our delegates are refused admission at the National Congress.

MR. PRESCOTT—I do not consider it our business to decide the question of the eligibility of the gentleman who is now claiming a seat in this House; but, as gentlemen have seen fit to discuss the subject, I beg leave to offer a word.

I am acquainted with the status of the people of the parish of DeSoto, and know that the adherents to the Union are very numerous, but am not surprised at the smallness of the Union vote, for the reason that there is a reign of terror throughout that section of the country, and that the Unionists, being almost without any arms, are nearly defenceless and at the mercy of their enemies. In fact, the headquarters of General Kirby Smith are at Shreveport, and I am only surprised that it was possible to hold any election in the parish of DeSoto.

I think that the reference of this whole matter to the Committee on Elections, for investigation, as to compliance with formalities, &c., would be eminently proper, and that no action should be taken by us until that committee has reported.

The motion to refer the matter to the Committee on Elections was carried.

MR. T. F. MCGUIRE presented a resolution, declaring the office of sergeant-at-arms vacant—which was declared out of order.

The Hon. Mr. Bofill was called to the chair.

A joint resolution, requesting his excellency, Governor Hahn, to proceed to Washington as soon as possible, to plead the cause of Louisiana, was laid over.

MR. CHAMBERLAIN—Mr. Speaker: Previous to taking up the order of the day, I wish to move a reconsideration of the vote taken on yesterday, by

which clerks of committees were requested to be in attendance in this hall, during the sessions of the House. Some of the committees have their room in Commercial and Exchange alleys, where their clerks are, and should be, during the whole day; therefore it is simply absurd to oblige them to neglect their business and be in attendance here, to do nothing at all.

MR. HARNAN—I second the gentleman's motion, for the reason that I supposed the clerks of the committees to which he refers, were excepted from the force of the resolution.

MR. VAN TROMP—**Mr. Speaker**: I was, a few days ago, appointed chairman of a special committee, and was unable to find a clerk to serve thereon, for some considerable time, and then only by searching the streets and places of common resort.

The House has passed a resolution requiring clerks of standing committees to serve on special committees, and I presented the resolution under consideration for the sole purpose of carrying that out, and to oblige disengaged clerks to perform their duties.

A motion to table the motion for reconsideration, was lost, when a reconsideration was carried and the resolution tabled.

A joint resolution to appoint a committee to inquire into the expediency of abolishing capital punishment, was presented by **Mr. Bovee**.

MR. FOLEY—I move that be laid on the table.

MR. BOVEE—**Mr. Speaker**: I cannot conceive what the objection can be to passing such a resolution as that, the only design of which is to have the question so investigated that it may come fairly before the House.

I believe that the passage of the resolution and the report of the asked-for committee in the affirmative, would subserve a very good purpose. Several of the States of this Union have already abolished the laws which inflict death, as the punishment of a crime, and that course has been so generally attended with good results that no effort has ever been made to reconsider that action. The State of New York passed a law in 1860, abolishing capital punishment while the State of Wisconsin set the example some seven years ago; no step having ever been taken to rescind the same.

Both the adoption and laying on the table of the resolution, were moved.

MR. CHAMBERLAIN—**Mr. Speaker**: I believe it is our duty to encourage morality and discourage crime, by every means in our power. It is a well known fact that the excessive punishment of crime, instead of reducing them, has exactly the opposite tendency of increasing them, for it is a characteristic of our perverse nature, that when told we must not do a thing, we are very apt, indeed, to rebel and do it. It has, most certainly, been found to be the case, that kindly dealing with criminals has invariably produced better uniform results than any other method of treating them. I claim that the death penalty is a relic of barbarism, and I believe that statistics will bear me out in the assertion when I say that, in those States which have

abolished the death penalty, the crimes formerly punished in that manner have decreased in a much greater degree than where the death penalty is still upon the statute books, and affixed to the commission of the particular offence.

Upon these grounds, I contend that we can but make the experiment, and if it succeeds, it will be so much gained for the cause of humanity—while, if we fail, we can return to the old plan of hanging and taking two lives, where one death might be avoided.

MR. SKYMOUR—Mr. Speaker: I believe in the old law of an eye for an eye and a tooth for a tooth, because I think that if it was abolished, men would be butchered in cold blood, while we should be left without any means of restraining such outrages.

MR. PRESCOTT—Mr. Speaker: From my own experience, which, of course, has not been very extended, though I have lived in different parts of our Union, I have found that wherever the death penalty has been abolished and imprisonment for life, substituted therefor, the States making the change have invariably returned to the old law, finding that the change did not, by any means, effect the salutary result which was expected to flow therefrom; I think that this has been the case in Wisconsin, among other States.

In view of the present condition of this State, I do not think that it would be at all well to enter upon the trial of this experiment at the present juncture. The country is overwhelmed with all the evils that were ever collected in Pandora's box, though we have not even hope remaining. All the vices and crimes which have ever desolated the old world from the commencement of all annals to the present time, seem to be gathered and concentrated here. I believe, most firmly, that if all who violated the laws of this government were confined in a penitentiary, it would require one larger than the city of New Orleans. Before the war there were some three or four penitentiaries in the city of Baton Rouge, which were continually a source of expense to the State then, and I doubt if she could, in her present impoverished condition, support anything like the large number of places which will, if we pass this resolution, be absolutely essential to the proper confinement of the large number of criminals which will be continually accumulating. We all know—every man within the sound of my voice, knows too well, that where convicts are sentenced to life imprisonment they generally escape after being confined for two or three, or at farthest, a very few years. This release almost always takes place at the incoming of a new local administration, for the reason that the governor needs the votes and influence of party supporters who make the release of the condemned man the price of their adherence to the powers that be. [Applause.] Such is the case, which admits of no dispute.

We are told, in the Scriptures, that even the unjust judge finally surrendered to the continued importunities of a woman, and the governor of this

State may—as has been the case in other States, as regards the chief executives thereof—at last succumb to the pressure which is so frequently brought to bear in cases of this description. I must consider the adoption of this resolution a step backward, as is the most of the legislation which has been carried on in this hall, and am in duty bound to protest against it, especially at this most inauspicious time.

The discussion was brought to a close by the arrival of the hour for taking up the order of the day—the City Charter.

MR. FOLEY—Section 25 having been reconsidered relative to the salaries, and now stands as originally reported, I move its adoption.

Carried.

MR. CHAMBERLAIN—I move to amend section 29, relative to the recorder *pro tem* receiving the salary of the recorder, when acting in his place, by adding, “except in case of sickness.”

MR. LESTER—I move to lay it on the table.

Lost, and the amendment adopted.

MR. CHRISTIE—I do not understand the meaning of the following, in section 30: “He (the controller) shall also furnish such samples and descriptions as said agency may require for the use of its agent, in places out of New Orleans.”

MR. CHAMBERLAIN—It relates to the coupons of the city. There may be a company in New York who have an agency to purchase these bonds, and the controller is authorized to furnish samples and descriptions.

MR. CREIGH—I move to strike out the last two lines of the section—“except such works as cannot otherwise be done without injury to the public interest.”

MR. FOLEY—If you strike out these words, you entirely clog the wheels of the city government. It cannot get any work done. If they advertise for supplies of any kind, it cannot be let out by contract, and if we want to build an engine, it cannot be let out, but must be supervised by the city itself. The city would be at a perfect stand still. The subject was argued before the Constitutional Convention, and it was seen at once that unless these words were added, the city of New Orleans could not carry on any work.

MR. CREIGH—I would like to know how the city carries on the work now?

MR. LASTER—The city has had no work to do.

MR. CHRISTIE—I think it is judicious to strike out the latter portion of the clause. The city of New Orleans does not want to build any steam engines. The draining commission, and persons who are employed by the city and State can perform and perfect necessary works of that kind. The system of contracting is as perfect a system of swindling as was ever perpetrated on the face of the earth, and every member of the House knows it. I can show you walls in this city that outwardly are apparently good walls, but really are merely hollow shells, where millions of bricks are supposed to have been

used, but where you could not find even thousands. All the work for the city should be performed by day labor, and paid for under the supervision and control of proper persons employed by the city.

MR. LASTER—The whole proviso contained in the section is all an electioneering scheme on the part of politicians, who have had a hand in this matter, and it was also tried in the Convention. It is nothing more than a plan to make the laboring men think that these politicians want to prevent the city from letting out their works by contract, for the purpose of keeping them employed, and thus get into the good graces of these poor laboring men, in order to get their votes on election day. This is all moonshine, and will not work. I differ with the last gentleman. Everybody knows that a construction of any kind can be made in shorter time, and for a less amount of money, and in a better manner by private individuals than by any government, State or municipal.

I move to strike out the whole proviso.

MR. HARNAN—It was proposed in the Convention that the city of New Orleans should not let out any public works by contract. The object is, to keep the Common Council sound, and prevent them from letting out contracts to their partners. They never employed the old residents of the city to do the work, and I move to amend it so that citizens shall be employed to perform the work.

MR. FOLEY—I am in favor of the proviso as it stands. I do not want to give the privilege to the city of letting out all their works by contract. If you strike out the last two lines, the city can do no work. It was referred to a committee of the Senate, and they agreed upon this proviso, so that the public interests would not suffer by the other parts of the proviso. I know that there has been great rascality and swindling carried on here, by contractors, towards the city government. I know that streets were paved—especially Gasquet street, that cost the city \$90,000, one-half of which went into the pocket of the surveyor, in order to have him pass upon the contract. Julia, and several other streets were paved in the same way. If the last two lines are stricken out, how is the city to get any lumber? It does not own any public land, to send men out and cut the wood on. Lumber will be wanted for various purposes—for the repair of wharves, for instance, and it must be contracted for.

MR. MEEKS—I trust these two lines will not be stricken out. The gentlemen have spoken of the corruption of the city in letting out contracts, and the conclusion one would come to is, that the officers are all thieves and scoundrels. It is admitted that there has been corruption in these contracts, but there are legal means by which the city can always relieve itself; for the parties can be indicted for fraud, and punished. I move the motion to strike out these words be laid upon the table.

MR. FOLEY—I move to table all amendments.

Carried—yeas 36, nays 22.

On motion, the House then adjourned until 12 m., Monday, January 30.

MONDAY, January 30, 1865.

The House met, pursuant to adjournment, when prayer was offered by the Rev. Mr. Hopkins.

The minutes were read and approved.

A resolution was offered, to provide for the appointment of a committee of fifteen members for the purpose of revising the laws, in accordance with the constitution of 1864.

THE SPEAKER—That matter must be brought up by a joint resolution. This is, therefore, out of order.

Mr. Lombard, chief enrolling clerk, asked for the appointment of a committee, to fix the proper compensation due him for having enrolled the latter part of the debates, in French and English, in accordance with the request of his excellency, Gov. Hahn.

MR. BOVÉE—I move to refer to a committee of three.

MR. HARNAN—I move the rejection of that document, for the reason that our time has been too much taken up by consideration of such matters, but chiefly for the reason that there is an express law prohibiting the course which has been taken in this case.

MR. TULLY—It seems to me, Mr. Speaker, that to reject this request would be showing but very little respect to his excellency, the governor, as this work has been undertaken and completed at his request.

MR. FOLEY—I move that the communication be referred to a committee, to discover whether or not, as has been charged, certain clerks have been in the employment of this House and the chief enrolling clerk.

The matter was referred to a committee of seven, for investigation.

A communication was read, asking Governor Hahn to proceed to Washington as soon as possible, as United States senator.

The communication was rejected.

A communication from the grand jury of the parish of Orleans, calling attention to the necessity of immediately providing suitable fire-proof buildings for safe keeping of records, was received and adopted.

Mr. Baum : " An act to reduce taxation on cock-pits in the city of New Orleans."

Mr. H. C. Belden : " An act for the relief of Dr. Yelzer, of the city of New Orleans."

Mr. Seymour, on the behalf of the Judiciary Committee : " Acts to amend articles 676, 678, 700, 750, 787 and 802."

Mr. Laster : " An act to regulate hotels, boarding houses, &c., and to de-

fine the rights of boarders and lodgers, as well as of the keepers and proprietors thereof."

Mr. Prescott: "An act to provide for the punishment of persons purchasing property confiscated by the so-called Confederate government, or of the civil or military officers thereof."

A motion to suspend the rules for the purpose of taking up a bill relative to jurors, was lost.

Mr. PRESCOTT—Mr. Speaker: I rise to a question of privilege, and wish to know by what authority the evidence in the case of Watson was published on yesterday. I think it is an unnecessary waste of public money, as it has a most decided tendency to discredit us in the eyes of the community, and is entirely beneath the dignity of the House.

THE SPEAKER—It is not the act of the reporters, sir.

Mr. PRESCOTT—They have fulfilled their instructions, sir.

Mr. CHAMBERLAIN—Mr. Speaker: Everything that takes place in this House, unless in secret session, is public property, and I therefore hold that the public have a right to know of it. If anything that we do here is not too disgraceful for our action, it is not too disgraceful for the public to know of it, and I therefore hope that the inquiry proposed will not be made. Every reporter or spectator has a right to publish or speak of what he sees or hears in this House, unless in case of secret session.

Mr. PRESCOTT—I beg leave to differ from the last gentleman, Mr. Speaker. It was perfectly right to publish the report of a committee, but not to publish the evidence, without special permission. I think that any other rule would be attended with great public evil.

THE CLERK—Mr. Speaker: I have been instructed to enter up all proceedings of this House, unless expressly otherwise directed. A resolution to expunge all the proceedings in this matter from the official minutes, was lost, and I therefore published the whole proceedings, as is customary, except in case of special prohibition.

Mr. PEARSON—I contend, Mr. Speaker, that the reporters have a perfect right to publish everything that occurs, in this case or any other, or anything that comes before the House. If they do not, how are the public to know whether or not the gentleman was guiltless, and that the charges against him were groundless—not being in possession of the evidence?

A bill from the Senate, relative to the trial of certain public officers, was taken up.

Mr. CHRISTIE—I move the rejection.

Mr. BOYER—I move to commit to the Committee on Judiciary.

Mr. HARNAN—Mr. Speaker: I think that no bill should be rejected upon first reading, as it is offering a most pointed discourtesy to the gentleman who offered it. A bill should be allowed to proceed to its second reading, no matter how informal it may be, or what objections may exist to its adoption.

MR. TULLY—The gentleman is most strikingly inconsistent, Mr. Speaker, as he moved the rejection of a petition but a moment ago.

The motion to table was lost, and the bill thereupon committed to the Judiciary Committee.

A motion to reconsider the vote on the bill relative to jurors, was carried, when the next motion, to suspend the rules, was lost.

The City Charter, section 3, was taken up.

MR. PEARSON—I move that the proviso be added to this section, which, in some of the bills, is already, while in others it is attached to section 31. That proviso reads as follows:

“Provided, That the municipal corporation of New Orleans shall be prohibited from adjudicating, selling by sealed proposals, the letting out by contract for the working or completing of any of the public works of the city under their supervision and control, except such works as cannot be otherwise done without injury to the public interest.

MR. LASTER—Mr. Speaker: I cannot conceive why the gentleman wishes this proviso to be annexed to a section which treats solely of the duties of the controller. It should be inserted in, or at the end of that section which treats of the duties of the Board of Aldermen and Assistant Aldermen, who may oblige the controller to perform a certain action, and thereby oblige him to lose his pay. The controller should not be made responsible, or to suffer for what he is obliged to do. I will support this proviso if it is inserted in the proper place, but must oppose it in this connection. I therefore move that the motion of the gentleman be laid upon the table.

MR. PEARSON—This proviso will include, not only the controller, but the mayor, board of aldermen and assistant aldermen.

MR. LASTER—The gentleman is entirely mistaken, Mr. Speaker, for it neither does or can apply to anything but the controller, who must become responsible and suffer for the resolutions which the other portions of the municipality may direct.

MR. FOLEY—Mr. Speaker: I agree with the last gentleman fully, for the reason that the section is manifestly out of place, and has been inserted in this connection, through either an error of the clerk of the Senate or of that of this House.

MR. CREIGH—I move the postponement of the bill until every member of the House is provided with a correctly printed copy of this bill.

MR. CHAMBERLAIN—Mr. Speaker: I trust that the consideration of this bill will not be longer postponed, and declare that it will be disgraceful for us to do so. We have been engaged upon this bill, and it is now our duty to go on with, and finish it. It has cost us hundreds of dollars to print these two bills already before us, and if we print a third one, it will cost us hundreds more, and this, merely that some member may not be obliged to spend a moment only in rectifying a typographical error.

I say again, it will be disgraceful to postpone this bill any longer, and therefore move that the motion to do so be tabled.

The last motion was carried, and section 31 adopted as read in the House bill, without the proviso.

MR. CREIGH—I move to strike out the last part of the proviso, which we have just had under consideration, and which is printed in the House bill as article 31, beginning with the words "except such."

The motion was carried and the section adopted, as amended.

Sections 32 and 33 were adopted without debate.

MR. HARNAN—I move to amend section 34, by making the salary of the surveyor "five" instead of "three thousand dollars."

The motion was tabled.

MR. CHRISTIE—I think, Mr. Speaker, that the Senate have omitted one clause in this section, relative to the duties of the city surveyor, and I therefore move to insert: "He shall superintend wharves, levees and new public works"—which clause, or its equivalent, is inserted in the section prescribing the duties of the street commissioner, though that gentleman has nothing whatever to do with matters of that kind.

MR. PEARSON—Mr. Speaker: This section is simply that of section 33 of the old charter, which just as much as prescribes that the street commissioner shall perform exactly the duties which the gentleman says he has nothing to do with. He is the proper person to see to these things, if so directed by the Board of Aldermen. It has *always* been the duty of the street commissioner to see that the wharves are kept clean, in proper order, and to replace any plank or post which may be needed. The surveyor has charge of the nuisance wharves, and no others.

The amendment of Mr. Christie was tabled, and the section adopted as reported.

Section 35 was adopted without amendment; and section 36, relating to city attorney, was taken up.

MR. HARNAN—I move to amend the amount of salary from "four" to "three thousand dollars a year."

The motion was tabled, and the section adopted.

Sections 37, 38, 39 and 40, were adopted as reported.

Section 41, relating to what property shall be exempt from taxation, was taken up.

MR. MICHEL—I move to amend, so as to include "all real and personal property belonging to the Grand Lodges of Odd Fellows and Free Masons of the State of Louisiana"—making the amendment an additional section.

MR. TODD—I move to lay the amendment on the table.

MR. FOLLEY—I move to amend the amendment, by including "all private societies."

MR. TODD—This amendment is out of order, because the laws of the United

States exempts this property; and all property exempted by those laws is also free from taxation, under this bill.

The motion to table was lost—yeas 25, nays 32.

On motion, the House adjourned until 12 m. to-morrow, the 31st inst.

TUESDAY, January 31, 1865.

The House met, pursuant to adjournment, when the minutes were read and adopted.

The chair announced the appointment of Messrs. Bovee, Chamberlain, Laster, Brown, Senette, Marie and Laloire as committee to ascertain the value of the services rendered by Mr. Lombard for enrolling the last of the debates of the constitution of 1864.

Both a majority and minority report were presented in regard to the claim of J. C. Prendergast; that of the majority, reporting favorably, was adopted.

Mr. Bofill gave notice that he should move to amend article 62 of the rules of the House.

A joint resolution, requesting the mayor and bureau of finance to repeal an ordinance adopting a certain system of licenses, considered to be injurious to the commerce of the city, was taken up, when a motion was made to suspend the rules, and put it upon a second reading. Lost.

An act to increase the salaries of the judges of the district courts, the parish of Orleans excepted, was rejected, on motion of Mr. Foley, by the following vote: yeas 38, nays 32.

An act to regulate the fees of justices of the peace and constables throughout the State, was taken up.

MR. PEARSON—I move its rejection.

MR. HARNAN—I hope the bill will be adopted, and referred to a committee, as I am informed some of the courts have different and exorbitant prices for the making out of papers, etc.

MR. PEARSON—I withdraw the motion to reject.

The bill was adopted.

MR. HARNAN—I move a suspension of the rules, to place it on its second reading.

Laid on the table.

The bill to reduce taxation on cock-pits in the city of New Orleans, was rejected.

MR. BOFILL—I ask the permission of the House to withdraw a bill offered by me relative to jurors.

Granted.

An act to regulate hotels, boarding-houses, etc., and define the rights of boarders and lodgers, as well as keepers or proprietors thereof, was then taken up.

MR. EGAN—I move to reject.

MR. LASTER—As I introduced the bill, it may be necessary to say a few words in explanation. There is no law in the State on the subject of boarding-houses and hotels to define the rights of boarders and lodgers. It is a well known fact, that a greater part of the boarding-house keepers and hotel proprietors are a set of land sharks. A man stops at one of these places, hearing they set a fine table, etc., and finding that such is not the case, desires to leave; but he is not permitted to do so by the landlord, unless he pays the whole month's board. That is an extortion, and therefore I use the term land shark, as applied to this class. They engage to furnish him with board and every thing necessary for a fixed price, and at the end of the month the boarder thinks he has only to pay for his board, but they bring in all kinds of claims for gas, coal, etc. A circumstance has been related to me, where a gentleman, in addition to his board, paid for two barrels of coal a day, so that in one month he paid for forty or fifty barrels of coal. I think there ought to be some law to regulate this. I have taken some trouble to get the facts, and draw up such a bill, and I find there is no law existing on this subject. If a man refuses to pay the amount extorted, and goes to the recorder, or any other court, he is told plainly that nothing can be done, because there is no law in relation to the matter to give power to try the case. For these reasons, I hope the bill will be adopted.

MR. EGAN—I withdraw the motion to reject.

MR. PEARSON—I move its adoption.

MR. LASTER—I have a word further to add, and that is that I never stopped at a boarding house a day in my life, and have nothing to gain by the passage of the bill.

The bill was then adopted.

Mr. Michel was called to the chair.

Acts to amend articles 676, 802, 750, 787, 678 and 700, of the Code of Practice, were adopted on their first reading.

The consideration of the City Charter was resumed, and the amendment of Mr. Michel to section 41, to include in the property exempt from taxation "all real and personal property belonging to the Grand Lodges of Odd Fellows and Free Masons of the State of Louisiana," was adopted.

MR. FOLEY—I call for the reading of the substitute reported by the Special Committee on Revenue, to be inserted as section 44.

The following was read:

Article blank. "*Be it further enacted, &c., That the city of New Orleans be, and the same is hereby prohibited from demanding for a license on any trade, profession or occupation, more than fifty per cent. over and above what the State charges on the same trade, profession or occupation.*"

MR. HARNAN—If such an amendment is adopted, the taxes will not pay for maintaining the police force of the city.

MR. LASTER—It has always been the custom for the Legislature to leave the fixing of the salaries of the municipal authorities. This should be done, for the reason that the taxes arising from the *pro rata* levied on the valuation of real estate, are appropriated by law for the payment of certain indebtedness of the city. The fixing of the rates of license has always been wisely left to the city of New Orleans, because this is what keeps the city government in motion. I therefore move to lay the article on the table.

MR. CHAMBERLAIN—I am in favor of rejecting this article. If I understand taxation, it is to raise a certain amount of money, to pay the expense of carrying on the city government, and the indebtedness of the city. Now, a certain amount has got to be raised by taxation——

MR. LASTER—My motion to table has been seconded, and I call for it.

The chair decided that the speaker might proceed.

MR. CHAMBERLAIN—If the city is compelled to raise a certain amount, say two millions of dollars, and raises one-half by licenses, the other half has to be raised by direct taxation; therefore, by allowing the city to assess a high rate for licenses, it necessarily lessens the amount to be raised by direct taxation, and I am in favor of permitting the city the privilege of a law or a high assessment for licenses on certain trades or professions. Section 43 provides that the city shall not assess higher than two dollars on every hundred dollars valuation. If we deprive the city of the power to make a sufficient charge for licenses to cover the deficit, how must the balance be raised? It is actually compelling the city to run in debt, because it cannot levy sufficient taxes to cover the expenditure.

You propose to levy a tax of two dollars on every hundred, which will raise only \$800,000; then you prohibit the city from assessing more than fifty per cent. over and above what the State charges on the same trade or profession, which will raise perhaps \$500,000. The expenditure is \$2,000,000, how is that to be covered? I consider it an unjust enactment. The city is the best judge of its requirements. The assessment is taken from the amount of the expenditures. If they reach two millions, we must levy a sufficient sum to cover it, and the only way is on the licenses, or direct taxation.

MR. LASTER—I would state to the House that the times are very hard with the tax payers, and the citizens at large. Salaries of city officers have been raised, and in the police department, they have been increased at least two-thirds. It costs now from \$42,000 to \$45,000 a month for the support of that one department, and with the small amount of State taxes used for the purpose, unless the city has the power to make up the deficiency by levying a tax on all trades, it will be forever in debt and the city notes cannot be redeemed. In taxing trades and professions, those are taxed highest which are of the least benefit to the community, so as to prevent them from increasing.

MR. HARNAN—I offer the following substitute :

"Be it further enacted, That every retail dealer in liquor, when sold by the glass and drank on the premises, shall pay one hundred and fifty dollars for each license; and upon all sums in excess of five thousand dollars on gross receipts, he, she or they shall pay one per cent. per annum."

I think this is just to all parties. The poor men who have retail establishments at the Stock Landing and Bayou Bridge have to pay the same license as the large saloons on St. Charles street doing a large business. I wish to tax their gross receipts in excess of \$5000, and thus equalize the taxation as far as possible.

MR. LASTER—Mr. Speaker: The constitution certainly declares that taxation shall be equal, but this substitute by no means accomplishes that object, for it only looks to the equalization of taxes among a certain portion of the community. The substitute also provides for a certain taxation upon a fixed amount of gross receipts. There is not, to my knowledge, a single coffee house keeper in this city who keeps a regular set of books, or who can give either his average or gross receipts; even if they did, the intention of the law would be evaded, because true returns were not made. I do not think that the substitute is either just or proper, and, therefore, I move to lay it on the table, in order that the municipal authorities may not be trammelled by any legislation.

MR. CHAMBERLAIN—I shall vote to lay upon the table the substitute, for the reason that I am opposed to special legislation over any class of the community.

MR. LASTER—I shall also vote to lay the substitute upon the table, because, although I wish it to be understood that I have no animosity towards any class of business men or citizens of this city, I do not think it is right for us to perform any special legislation.

The motion to table the substitute was lost.

MR. LASTER—I move to amend the substitute as follows:

"And no bar-keeper or proprietor of a bar-room shall charge more than ten cents a glass for any wines or liquors sold by them, under a penalty of not less than ten dollars, nor more than twenty-five dollars."

MR. FOLEY—I move that the amendment be tabled.

The motion was carried.

MR. FOLEY—I move to insert the following clause in the substitute:

"Be it further enacted, &c., That the city of New Orleans shall not demand more than \$150 from each and every retail dealer of spirituous liquors, when sold by the glass on the premises; but shall have the authority to tax the gross receipts on all business in excess of five thousand dollars."

MR. CHRISTIE—Mr. Speaker: I contend that we are here to legislate for the interest of the whole State, and not for the people of this city, except as they are connected with the State government. If the clause is appended—which, I have no doubt, the gentleman introduced honestly and sincerely—we should first pause and take into consideration the effect which the adoption

of it will have upon the minds and feelings of the community, legislating, as we shall have done, for one particular class.

The committee had this subject under consideration, and gave it that consideration which we felt was due to it. The proposition was, to insert a clause by which we should restrict the city government from taxing the coffeehouse keeper. It is apparent to the mind of every member of this House, that that would be nothing but an act of special legislation, if we adopted such a clause, and we therefore rejected that clause, and reported, in the stead thereof, a general clause which would reach the action of the Common Council, and prohibit it from imposing licenses to an amount greater than that of a certain per cent. above that which the State charged. No gentleman will dispute the right of this Legislature to restrict the action of the city in this manner.

It may be possible that there may be reasons assigned why the government of this city cannot pay its expenses, or meet its necessary aims, under the present condition of things, other than those in relation to taxation. The people have a strong interest in this matter, and it might be well for us, before enacting this charter, to inquire into some of the expenses that are incurred at the present time, by the municipal government; for this substitute will be pronounced illegal, and receive the condemnation of the courts, if passed. We have already passed a bill abolishing the bureau of finance, and streets and landings—fit subjects of legislation, in the opinion of many. Why this has been done, I do not know, but candidly believe that it was done because of the difficulty experienced by the city, in meeting the expenses of those departments.

I care not how sanguine gentlemen may be in pressing the claims of those whom they represent; but I do not wish this House to have such odium heaped upon it as now rests upon the late Constitutional Convention.

I trust that gentlemen will adopt the general clause; for if, under it, the city incurs a small debt, the deficit can easily be made good, and it is necessary to inculcate the idea that the city might retrench its expenses.

MR. HARNAN—I must object, Mr. Speaker, to the article as it now stands, for the reason that it is most unjust towards a portion of the community, and that illicit trading will accordingly be carried on.

MR. FOLEY—I again offer my amendment to the substitute.

MR. HARNAN—I accept that amendment.

MR. BOVEE—Mr. Speaker: I am opposed to any such legislation as some gentlemen propose to effect, for it seems to me that the city corporation will be the best judge of what should be the proper amount of licenses to be imposed. I cannot see why we should attempt to legislate in a special manner, for the benefit of coffeehouses, simply because the bureau of finance has seen fit to impose rather a heavy license upon them.

MR. BALSER—I move to lay the substitute, as amended, upon the table.

The motion was lost, and the question was thereupon put upon the adoption of the substitute as amended—the roll being called.

MR. CHRISTIE—I refuse to vote upon this question, as the substitute is wholly unconstitutional.

THE SPEAKER—Every gentleman must vote, unless excused by the House.

MR. WALSH—I move the gentleman be compelled to vote.

MR. CHRISTIE—I move that the gentleman be authorized to “compel the gentleman to vote.” [Laughter.]

MR. BOVEE—I move the gentleman be excused from voting.

The motion was lost, whereupon the roll-call was resumed, commencing with the name of the gentleman next following the name of Mr. Christie.

MR. TODD—I do not believe that a substitute can be, according to parliamentary usages, amended as this one has been, but if compelled to vote, I say, “No.”

MR. MEEKS—I move that the refusal of the gentleman who declined to vote (Mr. Christie), and his reasons for so doing, be spread upon the minutes.

The motion was carried.

The substitute was adopted as amended—yeas 42, nays 16.

On motion carried, the House then adjourned until 12 m., to-morrow, February 1st.

WEDNESDAY, February 1, 1865.

The House met, pursuant to adjournment, at 12 m.

Prayer was offered by the Rev. Mr. Andrews.

The minutes were read and adopted.

Mr. Foley offered a resolution, instructing the Committee on Supervising the Affairs of the House to audit the claims of the different newspapers for copies furnished the House since October 3, 1864, which was adopted.

The Committee on Printing, to whom was referred the resolution relative to the errors in the printed copies of the rules of the House and the constitution of Louisiana, reported that they had found many errors, and recommended that they be sent back to the printer for correction, and that the clerk furnish a statement of the printing delivered to the House.

The Finance Committee submitted a report showing the amount drawn from the treasury, and for what purposes.

The special committee on the revenue bill reported a bill which was read, and one hundred copies ordered to be printed, and made the special order of the day for Monday.

A message from the governor was read, stating that he had signed and approved an act to amend article 155, of the Civil Code of Louisiana.

MR. LASTER—I move a reconsideration of the vote adopting the substitute of Mr. Harnan, as amended by Mr. Foley, on yesterday.

Carried.

The section reported by the committee was read.

Mr. PEARSON—I move to amend so as to read “one hundred per cent.” instead of “fifty.”

Mr. Michel was called to the chair.

THE SPEAKER *pro tem.*—The question is on the substitute of Mr. Harnan, as amended.

Mr. LASTER—I will now state why I moved a reconsideration of the additional article, or substitute, intended for an additional article. The city of New Orleans, as nearly every one is aware, is in debt to a very large extent, for which it has issued a large amount of bonds. The wisdom of former Legislatures made it compulsory on the city, at the end of every year, to make an estimate of the receipts and expenditures of the coming year, and out of the receipts, to set aside six hundred thousand dollars, to pay the simple interest upon this consolidated debt. Now, if gentlemen will take into consideration the embarrassed state of city finances, and the not very favorable prospect of much improvement, they would certainly not urge the adoption of this substitute for the article reported by the committee. In the year 1861, the total amount of taxable property, including real estate, slaves, income, houses, cattle, stocks, vessels, corporations, etc., was \$121,705,265. Now, by the State passing the ordinance of emancipation, and from the present war, there has been a vast amount of what was property, done away with—making a difference of \$20,381,167. It is proposed to debar the city of New Orleans from levying upon the citizens any more than two per cent. tax. It has never been, to my recollection, more than one and a half per cent. The authorities are disposed to be very lenient. When they came to this city, slave property was at once rendered valueless, and they very wisely reduced the tax, thereby relieving the tax payer by about the amount that would have been the tax upon his slaves. How much of it went into the treasury, for the use of the city government? Out of each dollar collected for taxes, fifty-four cents is set aside, to make up the \$600,000 which it is incumbent to provide for, before an enactment can take the effect of law.

Out of every hundred dollars, fifty-four dollars is thus set aside. Out of this is also laid aside seventeen dollars again, which only leaves twenty-nine dollars for the use of the city out of every one hundred dollars of tax. That is not sufficient to pay the current expenses of the city government, which, to the knowledge of every one, have been increased fully one hundred per cent., if not one hundred and fifty. It is a well known fact, that a good many of the resources of the State have been cut off. The pay of laborers has been nearly doubled, and the same is true in almost every department of the city government. Therefore the former Legislatures of Louisiana wisely left the amount of license to be charged at the option of the city government. When the taxes failed to supply money enough to pay the interest on the bonds, to say nothing of the bonds themselves, they could make up the balance by

licenses on the business community of the city. They are better able at the present time to pay a high rate of tax, than the real estate owners, for real estate is now nearly worthless. A man may be rich in real estate and yet be poor to-day. His house is an expense to him, and he does not get anything for it, comparatively—hardly sufficient to keep it insured and in repair. The taxes of the general government, and State and city government, are so enormous, that the tax payer becomes disheartened, and lets the property be sold for the taxes, rather than use what little money he has for that purpose. How can we expect the city government to be carried on, if we place such fetters and restrictions upon it? I think, in legislating, we had better follow the example of our predecessors.

MR. HARNAN—If real estate owners cannot or do not wish to pay the taxes, why do they not sell their property?

MR. LASTER—The answer is, moneyed men will not give them a fair price for it. You cannot sell any property for fifty per cent on the cost.

MR. MEEKS—I move the substitute, as amended, be laid on the table.

Lost.

MR. CHAMBERLAIN—I am at a loss to discover any real difference between the amendment and the substitute, for both are unconstitutional.

MR. CHRISTIE—I would like to ask the members of this House what is the use in persisting in stultifying themselves, in the manner they have done? This section is clearly unconstitutional, and if put in the City Charter, it will render it a perfect nullity, and only so much waste paper to the city government. The constitution says you shall not make special laws in relation to particular cases or individuals. Now, I hold that a coffee-house comes in the category of particular cases, and I know the House does not wish to perform an act of unequal and unjust legislation. If gentlemen will take time to reflect upon this matter, and ask legal advice, they will be satisfied that this is highly improper, to say the least. If you make restrictions on the city government in behalf of coffee-house keepers, you must also do it in behalf of the merchant, grocer, etc., in order to make legislation equal and just. The committee submitted a substitute, containing the only constitutional method by which restrictions can be made. I assert, that the extravagant expenditures on the part of the city government, for some time past, have been most outrageous, and many of them are of no possible use. No person can give a reason why the coffee-house keeper should be assessed at least more than one hundred per cent. more than any other trade or occupation. I hold that it is unequal and unjust, and an act for which there is no shadow of excuse. Now is the time to make the alteration. If you desire to restrict the city, you can only do so in a general sense; and I venture to say, that the license system of New Orleans, if carried to the Supreme Court, would be declared to be a nullity. My idea of equal taxation is, to treat all

classes, professions and trades, alike. It is, therefore, your duty to make the restriction a general one, applicable to the whole State.

MR. FOLEY—I have listened to the remarks of the gentleman with much attention, particularly to his constitutional argument. He refers to article 117 of the constitution, where he finds his authority for asserting that this act is unconstitutional. This does not apply to the case, but treats on an entirely different subject. "The Legislature may enact general laws regulating the adoption of children, emancipation of minors, changing of names, and the granting of divorces; but no special laws shall be enacted relating to particular or individual cases." Now, to what particular or individual case does this article refer to? It does not refer to coffee-houses, nor to any individual case of taxation. It refers to individual cases of the adoption of children, emancipation of minors and granting divorces. So much for his interpretation of this article.

Again, he refers to article 124: "Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value, to be ascertained as directed by law. The General Assembly shall have power to exempt from taxation property actually used for church, school or charitable purposes. The General Assembly shall levy an income tax upon all persons pursuing any occupation, trade or calling, and all such persons shall obtain a license as provided by law."

The General Assembly has power to levy an income tax on all trades and professions, but the constitution does not say that all trades and professions shall pay the same license. So much for the gentleman's interpretation of this article of the constitution.

The General Assembly has always restricted the corporation of New Orleans from levying a tax of more than one and a half per cent. on real estate. If it has power to restrict in regard to real estate, it has also power to restrict in any other business, trade or occupation. Whether it is feasible or politic to do so, is for the House to determine. I say this substitute is not unconstitutional.

MR. HARNAN—In order to equal taxation I think a per cent. should be levied on the gross receipts over and above a certain amount. For example, a young lawyer hangs out his shingle and commences business; he is obliged to pay fifty dollars for his license, the same that Mr. Roselius and other distinguished lawyers of the city, with a large practice, who receive more than one hundred dollars to his one. I am willing to leave it to the city to fix the rate, and if the amendment is adopted, it will largely increase our revenue, and do justice to all parties.

MR. LASTER—The gentleman on my left, (Mr. Christie) takes the ground of its being unconstitutional. I think the article he refers to is not altogether applicable to the case. If the question was, whether the city of New Orleans, by levying one, or ten dollars tax, had over-stepped its authority, it

might be time then to speak of supreme laws ; but the levying of taxes for this year is perfectly in accordance with the law as it stood at the date of that ordinance. By referring to the Revised Statutes, page 186, it will be seen that the municipal authorities have exclusive power to make laws and regulations for the sale or prohibition of the sale of intoxicating liquors, as they may deem advisable. If gentlemen whose constituents and friends are to be benefitted by this act, try to push it through in a hurried manner, without giving the minority a fair chance to oppose it, they will find they have committed a gross error. One of the last sections of this charter declares that it shall take effect from and after its passage. If the opponents of this measure are overruled by the majority and it becomes a part of the City Charter, it will be passed contrary to article 109 of the constitution, which says that "no *ex post facto* or retroactive law, nor any law impairing the obligation of contracts shall be passed," etc.

If this passes, I say it would be clearly a retroactive law—that it is undertaking to govern a measure or replace a law made prior to the passage of this act. If the advocates of the bill push it through, I doubt very much whether the governor will sign it, for every man of common sense must consider it a violation of the constitution. When this takes effect, it will be a retroactive law, because it is operating upon a certain object which was according to law at the time it was passed. I do not think, if the charter was carried into court, it would hold good, even with the signature of the governor, for the reason that the Supreme Court does not recognize the validity of a law if it has any defects.

MR. FOLEY—I will detain the House but a few moments, to show that the last gentleman is in error in his interpretation of article 109 of the constitution. I do not see what reference it has to the subject before the House. He says, if we engraft this article in the charter, it will become a retroactive law. What is the meaning of the word *retroactive*? It means going backwards—that is, we have no right to pass a law impairing an obligation that has already been performed. If this article was to say that all the coffeehouse keepers that paid \$300 license in January or February, before the passage of this act, should receive the difference between this and the sum required under this section, it would be retroactive and unconstitutional ; but the moment this charter takes effect, the coffeehouse keepers are not required to pay more than \$150—but the \$300 that has been already paid remains in the treasury, and cannot be taken out.

MR. CHRISTIE—I wish to ask how any gentleman can be so short-sighted as to attribute the provisions of the constitution of Louisiana to me? I had nothing to do with the adoption of this constitution ; but I take it as it reads, and that, to me, seems very clear, where it says, no law shall be enacted referring to special cases. You cannot legislate on this subject, unless you legislate generally. There has been no reason given why the coffeehouse

keepers should be compelled to pay a tax so much above the rates assessed by the State. I do not care for the restrictions of the past, for we are now legislating under a new constitution, which expressly prohibits the passage of such an act.

MR. LASTER—Before the yeas and nays are called on the adoption of the substitute as amended by Mr. Foley, I wish to explain my vote. I shall vote against this measure, not because I am in favor of taxing the coffeehouse keepers more than any others, but their occupation requires more money and they create more disturbance, and they should be made to pay for it.

The amendment was adopted—yeas 41, nays 20.

On motion, the House then adjourned until 12 M., Thursday, February 2.

THURSDAY, February 2, 1865.

The House met, pursuant to adjournment, when no quorum was present.

MR. SKYMOUR—I move that we adjourn for want of a quorum, as we have been already waiting over half an hour.

MR. CHRISTIE—We must adjourn when we have no quorum.

MR. CHAMBERLAIN—I must differ with the gentleman, inasmuch as I believe it is not necessary until after we have had a quorum.

MR. CHRISTIE—Mr. Speaker: Cushing says: "No business can be regularly entered upon until a quorum is present, nor can any business be regularly proceeded with when it appears that the members present are reduced below that number; consequently the presiding officer ought not to take the chair until the proper number is ascertained to be present. If at any time in the course of the proceedings notice is taken that a quorum is not present, and upon the members being counted by the presiding officer, such appears to be the fact, the Assembly must be immediately adjourned."

MR. TULLY—Mr. Speaker: I believe the speaker must take the chair whether a quorum be present or no, as one of our rules provides that he shall take the chair at the arrival of the hour to which the House adjourned. I believe that neither Jefferson nor Cushing is authority for us upon a subject for which our regulations already provide.

A quorum having been secured, the Rev. Dr. Newman offered prayer, after which the minutes were adopted as read.

MR. BOILL offered a resolution changing rule six of the House, so as to require only a "two thirds" in place of a "four fifths" vote for suspending or changing the regular order of business.

MR. LEWIS—I move the rejection of the resolution, inasmuch as that is restoring that rule as it originally existed.

The speaker was excused from attendance during the remainder of the week, on account of sickness, whereupon the Hon. J. Michel was called to the chair.

The motion to reject was lost, after which the resolution was declared adopted—yeas 36, nays 25.

MR. TULLY—I contend, Mr. Speaker, that the resolution has not been adopted, inasmuch as a four-fifths vote is necessary to do that, under a resolution adopted but a few days ago.

MR. BORILL—I would call the attention of the gentleman to the fact that the resolution referred to was adopted by only a majority vote, and I believe that, as a majority vote adopted that resolution, the same vote can adopt the present one.

THE SPEAKER *pro tem.*—The resolution referred to was not adopted by a four-fifths vote. The present resolution is adopted.

MR. TULLY—That resolution was adopted by a two-thirds vote, as a standing rule of the House then directed it to be. I appeal from the decision of the chair, as I contend that this resolution has not been adopted.

The decision of the chair was sustained—yeas 47, nays 10.

MR. TODD—There is no quorum now, and was not when the resolution was declared adopted.

Mr. Tully introduced a resolution, declaring the *per diem* of members who were not present at the second roll-call of this session, forfeited.

THE SPEAKER *pro tem.*—The resolution is out of order, for a general resolution has been already passed, providing not only for this particular case, but for all others of a similar nature.

MR. TULLY—I appeal from the decision of the chair.

The decision of the chair was sustained.

The following members gave notice of their intention to introduce bills:

Mr. Seymour, on behalf of the Committee on Judiciary, gives notice that he will introduce the following acts:

“Acts to amend articles 1068, 1079 and 1144, of the Code of Practice.”

Mr. Breckenridge: “A bill to tax all bachelors or unmarried men between the ages of eighteen and sixty-five, to be appropriated for charitable or school purposes.”

Mr. Van Tromp: “A bill for the care and safe-keeping of the grounds and property of the capitol of the State of Louisiana, at Baton Rouge.”

MR. BOVNER—I move a suspension of the rules, Mr. Speaker, to take up on second reading the Senate bill entitled “An act to appropriate money for the benefit of the Baton Rouge Catholic Ladies’ Asylum.” It has been in the House for some time, and I would like to have it referred to a proper committee, as we have already something before us relative to the same matter.

The motion to suspend the rules was lost.

A motion was made to adjourn.

MR. PORNOR—There seems to be a disposition to transact no business on to-day, and I therefore move that we adjourn.

The motion was lost—yeas 19, nays 27; when, it appearing that no quorum was present, the House adjourned until 12 M., of the 3d instant.

FRIDAY, February 3, 1865.

The House met, pursuant to adjournment, when the minutes were adopted as read.

Hon. J. T. Michel in the chair.

The Senate bill, to provide for the better management of the institution for the deaf, dumb and blind, was referred to the Committee on Charitable Institutions.

An act to provide for the care and safe keeping of the late capitol grounds, at Baton Rouge. Adopted.

The rules were suspended, and the police bill, returned from the Senate with amendments, was taken up—the clerk reading the Senate bill.

MR. FOLEY—This is out of order, Mr. Speaker. The only question is upon the amendments of the Senate to the House bill.

MR. CHAMBERLAIN—Mr. Speaker: We are served exactly as we deserve to be, and merit all that is put upon us. The Senate sent us a police bill, and, instead of amending it and sending it back, we went to work and drew up a new bill. Now the Senate has, in its turn, done exactly the same thing, and we should not complain. In this bill now before us, the provisions of the first Senate bill are all engrafted. I move the adoption of the bill.

MR. BAUM—I move to lay it upon the table.

MR. VAN TROMP—I call for the enforcement of rule 15, of this House.

MR. FOLEY—We can only vote upon the amendments of the Senate to the House bill. I want to know what those amendments are.

MR. CHAMBERLAIN—The gentleman has the amendments incorporated in the Senate bill first sent to us.

MR. BOVEE—Mr. Speaker: I offer this resolution, that a committee consisting of three members from the House be appointed to confer with a like number of the Senate, in order to settle the difficulties existing in reference to the police bill.

A motion to table the resolution, was lost, when, after being amended so as to increase the number from "three" to "five" members, the resolution was adopted.

On motion of Mr. Lester, the rules were suspended to take up the City Charter, and several sections adopted without amendment.

MR. PEARSON—I move to defer action upon section 53 until the sections referred to in it, are adopted.

Carried.

MR. BADGER—I move to strike out the words "if known" in section 57,

referring to keepers of hotels, boarding houses, etc., reporting to the assessor persons residing or stopping with them.

Carried.

MR. FOLEY—I move the consideration of section 60 be postponed until the sections referred to therein are acted upon.

Carried.

Section 78 was postponed for the same reason.

MR. HARNAN—I move to amend section 79, by making the licenses payable semi-annually.

MR. FOLEY—I move to lay the amendment on the table.

Carried.

MR. HARNAN—I offer the following amendment to section 82: "Provided, that the city of New Orleans shall give fractional parts of licenses to persons commencing business, at the price assessed for the whole year, on such trade, profession, or calling."

Adopted.

MR. HARNAN—I move in section 83 to strike out "five per cent.," and insert "two and a half per cent." the compensation of the assistant city attorney. I think the latter amount is sufficient.

MR. FOLEY—I think that is a reasonable charge, for he gets no salary.

MR. CREIGH—I move to lay the amendment on the table.

Carried.

MR. FOLEY—I move to amend section 92 by adding the words "and State," giving the State assessors power to examine the book of plans of the city of New Orleans.

Adopted.

MR. PEARSON—I move to insert, after "said petition to be published in French and English," the words "and German."

MR. FOLEY—I move to include Irish and Italian.

MR. CHRISTIE—Choctaw, also.

MR. EGAN—I move to strike out "and French."

MR. SEYMOUR—I wish the gentlemen would take into consideration, that more than half of the parish of Orleans is owned by French people, and it is no more than justice that their language should be used.

MR. PEARSON—I believe there is more German than French.

MR. CREIGH—I move to lay all amendments on the table.

Carried.

MR. EGAN—In section 105 I move to strike out "or appointed," relating to the city officers.

MR. FOLEY—If that amendment is adopted in the case of death or resignation of an officer, there is no remedy but an election to fill the vacancy, which may exist only for a short time before the regular election.

MR. PEARSON—I believe, under a previous section, the officers are to be elected to the position.

MR. FOLEY—I move to lay the amendment on the table.

Carried.

MR. SEYMOUR—I offer the following additional section, to be inserted as section 109 :

Sec. 109. *Be it further enacted, &c.,* That it shall not be lawful for the Common Council of the city of New Orleans to grant or make any lease to ferryboats of any description, plying on the river Mississippi, to the opposite side of the river, without the concurrence and approval of the police juries of the parishes of Orleans and Jefferson (right bank).

The city of New Orleans has gone to work and leased the ferries of the four districts for the sum of \$1000 each per annum. The Revised Statutes provide, "that the Common Council of the city of New Orleans, with the police jury of that part of the parish of Orleans on the right bank of the Mississippi river, shall have power to establish ferries across said river, in the parish of Orleans, and to regulate the same." But they have entirely disregarded this. I think it is unfair and unjust, and contrary to law. That is the reason I offered this section.

MR. FOLEY—It is a law already; I do not see the utility of putting it in the City Charter. If the city acts illegally, it can be sued, the same as a private person.

MR. SEYMOUR—That is all very good. But the gentleman must take into consideration the difference in the means of the city of New Orleans and the other side of the river, and the litigation it would lead to.

MR. CHAMBERLAIN—I think the police juries on the other side of the river have the matter in their own hands. The city claims no jurisdiction on the other bank of the river. If the police jury of Algiers wish to prevent these ferries from landing, they can do it. The city of New Orleans can only designate the place from which such ferries shall start on this side, and if the authorities on the other side wish to forbid them to land, they have the power to do so.

MR. CHRISTIE—The question is not on the subject of leasing ferries, but on inserting this clause in the City Charter. It is very simple, and is certainly an act of justice to the police juries on the other side, who should have a voice in the leasing of these ferries, and also a portion of the revenue derived therefrom. In former years the Legislature granted to the police juries the management of ferries, and it will do no harm to insert in the City Charter this section.

A motion to table was lost, and the section adopted.

The remaining sections of the bill were also adopted on this reading.

The chair announced the committee of conference relative to the police bill: Messrs. Bovee, Howes, Badger, Tully and Chamberlain.

On motion, the House then adjourned until 12 m., Monday, February 6th.

MONDAY, February 6, 1865.

The House met, pursuant to adjournment, at 12 m., and prayer was offered by the Rev. Charles Strong.

The minutes were read and approved.

Mr. Prescott offered a resolution instructing the Committee on Internal Improvements to investigate the affairs of the Jefferson and Pontchartrain Railroad, and report as early as practicable.

Mr. Prescott—I would state for the information of the House in reference to the resolution, that the railroad company is removing the rails from the track, and removing the buildings belonging to it. Those who settled near the railroad track are seriously injured, communication with the city being cut off. They settled there with the understanding that the railroad would be kept in good order and run continuously. It is not run continuously and the road is practically useless, and they feel greatly grieved and injured thereby. The State is deeply interested in that road, and how such things can be done without the consent of the State, I am not able to say. I think it a proper subject for investigation, and the sooner it is done the better. I hope instructions will be given to the attorney general to have an injunction taken out, in order that these proceedings may be stopped.

The resolution was adopted.

The Committee on Unfinished Business reported one hundred and fifty-seven bills on hand.

The Judiciary Committee reported favorably on certain bills, and recommended the printing of them.

Mr. Chamberlain gave notice of his intention to introduce an act allowing the testimony of certain interested parties in civil suits to be taken.

Mr. Van Tromp gave notice that he should offer a resolution relative to rule 15 of the House.

Acts to amend articles 1068 and 1079, of the Code of Practice, were adopted on their first reading.

A motion to suspend the rules to take up a bill for the relief of J. C. Premdergast, was lost.

An act to amend article 1144, of the Code of Practice, was adopted on its first reading.

Mr. CHRISTIE—I move a suspension of the rules to take up a bill entitled "An act to aid the State treasury and provide for the receipt of taxes in the State of Louisiana."

The motion was carried, and by a further suspension, the bill put upon its second reading.

Mr. FOLEY—I move it be referred to the Committee on Judiciary.

Mr. BOYKE—I amend to the Committee on Ways and Means.

Mr. FOLEY—I hope the bill will be referred, as I have my doubts of its unconstitutionality.

MR. CHRISTIE—I will state I have had the bill in my possession more than two months, and have had it thoroughly examined by competent members of the bar of this city, and I do not think the judiciary or any other committee of this House can amend the bill in any respect.

MR. CHAMBERLAIN—I see no necessity for referring it to a committee.

The motions to refer, were lost.

MR. HARNAN—I move to refer it to a special committee of three.

Lost.

MR. CHRISTIE—I move to refer it to a committee of the whole.

Carried.

MR. PEARSON—I move we now go into committee of the whole.

The motion was carried and Mr. Pearson called to the chair.

MR. LEWIS—I hope the gentleman who offered this bill will explain, for it seems to authorize the issue of bills of credit.

MR. CHRISTIE—It is not an emission of bills of credit, but of certificates representing a certain amount of taxes due the State of Louisiana at the present time. The certificate expresses on its face a certain amount—five, ten, or twenty dollars, as the case may be—and any person receiving it can immediately convert it into the payment of such an amount of taxes standing against him. These bills, I anticipate, will be received by the community, and the State and city government, and will not violate any of the constitutional provisions. The bill has been as carefully drawn as it could be. Several legal gentlemen have looked at it, and pronounced it all it should be for the purpose designed. Five hundred thousand dollars will not be a great amount, when we take into consideration that these bills will be returnable during the year 1865. There is a large amount due the State in back taxes, and this may offer an inducement to persons to come forward and pay up the taxes against them with these bills. The necessities of the two Houses are also apparent, and for these reasons I think the House should pass the bill through to the Senate.

MR. LASTER—As this bill is a matter of great importance to the people of this State, and it may be of great importance to the future of all the members, I think we should not proceed too hastily upon this subject. I do not think the bill has been sufficiently considered; I therefore move that the committee now rise and report the bill back to the House, with the recommendation that it be printed, and that the Secretary be instructed to furnish the attorney general with a copy, in order to ascertain whether or not it is in violation of article 10 of the constitution of the United States.

THE CHAIRMAN—I shall declare that motion out of order, for this reason: I think the gentlemen who introduced the bill to the House clearly understood what they were doing, and understood the laws as well as the attorney general.

MR. FOLEY—It is not the duty of the chairman of the Committee of the

Whole to give such an opinion; he must put it to the House, and let it decide.

MR. CHAMBERLAIN—I move to lay the last motion on the table.

Carried.

MR. PRESCOTT—There is a constitutional law on the subject. The constitution of the United States says: "No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts," etc.

Now, that question has already been laid before the Supreme Court. I think the State of Massachusetts issued bills of credit. Some citizen of the State contested the right to do so, and the matter came before the Supreme Court. The Supreme Court decided that the State had not that right, and it was a violation of this clause of the constitution. Attempts have been made in other States to take this line of action, but these attempts have never been sanctioned by any decision of the Supreme Court—consequently, all actions in the premises are null and void. In order to avoid these difficulties, the State of Kentucky organized a State Bank, for the purpose of issuing State money. The State was the sole owner of the bank, and the officers were appointed by the State, and acting under its instructions. The bank issued money. Some of the citizens protested, and took the case to the Supreme Court. That court decided that the State had not the right to issue bills of credit, but that they had the right to organize a bank to issue bills of credit. Consequently, the action was legal, and the notes passed current, and, I believe, were received at par. The State of Mississippi, I am informed, took similar action in some monetary difficulty, and I believe their bills also passed at par. I do not believe their action was ever contested, for the simple reason that the decision of the case, in one instance, settled the matter forever. The only question before us is, have we the right to anticipate the receipt of taxes? The object of the bill is neither more nor less than a plan to anticipate the receipt of taxes. In the present anomalous condition of our country, it is a fact—for which I vouch for personally—that four years taxes are in arrear outside of the city of New Orleans. I cannot state as to the parishes immediately around the city; but in the section where I live, I can say, without fear of contradiction, that, in one-half of Louisiana, no taxes have been paid for four years.

The taxes paid to the Confederate authorities are null and void, and the State is entitled to all the taxes for the last four years. According to my calculation, not less than three millions of dollars are due from delinquent tax-payers and I have no doubt but that indebtedness at no distant period will be practically available. The financial difficulties under which the State labors, are so apparent that they require no explanation, and to meet which, this bill is offered. I do not consider these certificates to be bills of

credit. They are simply in anticipation of taxes, and I see no illegality in the proceeding. As one gentleman has properly and correctly stated, some of the most eminent lawyers to whom the bill has been submitted have unanimously stated that we have a right to issue such bills, and that they do not come under the provision of the constitution. Therefore, our right is unquestionable and I am unequivocally in favor of the bill.

MR. CHAMBERLAIN—It has been my practice generally, in this House, to oppose on constitutional grounds, almost everything I have opposed at all, but I find myself compelled to admit that there is no such ground for opposition to the bill before the House. It is constitutional in every feature and perfectly legitimate. It is merely the issue of auditor's warrants for the indebtedness of the State, and as each of us have been accustomed and ready to receive warrants, we can have no objection to receiving these tax certificates, which they merely are. Our warrants will not pass for taxes and these will. The amount of the issue is only about one half of the actual amount of taxes to be paid in; therefore we are bound to receive that amount, and perhaps more, in taxes to be paid in during the present year. I am glad the bill specifies they must be paid in during the year, and if I offer any amendment, it will be, providing that the bills shall be null and void after the year 1865, thus compelling every one who has them to deposit them in the treasury during that year, so that they can be cancelled. So far as the imperfections of the bill are concerned, I see no objections to it. It provides the manner in which the bills are to be issued, and that the plates shall be destroyed immediately after the full number is completed.

MR. FOLEY—I move that the committee in whose presence the plates are to be destroyed, shall consist of three members of the House and three of the Senate, instead of one.

Adopted.

The committee then rose and the chairman, on motion, reported favorably and recommended the adoption of the bill.

A motion to adjourn was lost.

The City Charter was then taken up, and several sections referring to other portions of the bill, the consideration of which was postponed, were adopted.

MR. FOLEY—I offer the following substitute for Mr. Harnan's amendment to section 82.

"Provided, That said city shall grant licenses for fractional parts of the year. But said licenses shall not be granted for a period of less than three months."

The substitute was adopted.

MR. CHAMBERLAIN—I move to amend in section 8, by inserting after "surveyor," the words "who shall be a civil engineer." We wish this officer to

be a practical man, competent to discharge his duties, and not a simpleton, who knows nothing about his business.

The amendment was adopted, and the bill adopted as amended on its second reading.

MR. FOLLEY—I move a suspension of the rules to put the bill on its third reading.

Carried.

Pending the reading of the bill, the House, on motion, adjourned until 12 M., Tuesday, February 7th.

TUESDAY, February 7, 1865.

The House met, pursuant to adjournment.

Mr. Waters, from the Committee on Elections, presented its report, unfavorable in regard to an election held in the parish of DeSoto, whereby Wm. H. Waglay claimed to be duly elected to the House of Representatives.

The rules were suspended and the act relative to the justices of the peace for the parish of Jefferson was adopted on second reading, and referred to the Committee on Judiciary.

An act to authorize the testimony of interested persons to be taken in civil cases, was adopted on first reading.

The Hon. J. T. Michel was called to the chair.

The City Charter was taken up and adopted on third reading, after which, the House adjourned until the 8th instant, at 12 M.

WEDNESDAY, February 8, 1865.

The House met, pursuant to adjournment.

Mr. Van Tromp offered a resolution in regard to rule 15 of the House, the laying on the table and adoption of which were both moved.

MR. VAN TROMP—Mr. Speaker: I would state, as many members seem to be ignorant of the fact, that according to rule 15 of this House, no member shall vote upon any question in which he is interested. The police bill is a matter of great importance, and I am credibly informed that persons who are members both of this honorable House and the police force, have voted in regard to this bill, on account of which the Senate would not concur, the consequence of which has been to cause difficulties to exist between the two branches.

I am not in favor of pretending to be governed by rules which are disregarded so openly as this has been, and of having it represented that we change rules to suit our purposes. On these grounds I offer this resolution.

After several motions regarding the resolution had been put and lost, it was finally adopted—yeas 38, nays 26.

The Hon. J. T. Michel was called to the chair.

The rules were suspended, and the House substitute to the police bill, with Senate amendments to the same, was read.

MR. LALOIRE—I move to strike out the words "in office," where it provides that the policemen "in office," etc., shall be retained.

Motion carried.

MR. FOLEY—I move to strike out "not more than," and insert "not less than five hundred policemen shall constitute the force."

Amendment adopted.

MR. BOVIE—I move to insert "four hundred" in place of "five" hundred policemen. I believe that four hundred will constitute an ample force.

The motion was tabled, and section 1 adopted as amended, after which the remainder of the bill was adopted without amendment, the bill adopted as a whole, and finally adopted on third reading, the rules having been suspended.

MR. CHRISTIE—I wish, Mr. Speaker, permission to read from my place a protest against the City Charter, which passed this House on yesterday.

Permission was granted, and thereupon the honorable gentleman read the following protest:

To the honorable speaker and members of the House of Representatives:

GENTLEMEN—The undersigned, members of your honorable body, hereby most respectfully tender this, our earnest protest, against the granting of a proposed charter to the city of New Orleans, passed by this House on Tuesday, February 7th, 1865, on general grounds; the most paramount of which are, that the rebellion and consequent results have absorbed the wealth and prosperity of the inhabitants of this city to such an extent, as to render the extended system of government proposed entirely unnecessary. The impoverished condition of the people demand retrenchment and reform, much rather than increase of taxation and sustaining of useless officials; all concentration of duties and curtailment of expenditures should be resorted to, to meet the exigencies of the times.

A system of government suited to a people prosperous, happy and contented, with a constant increase in wealth and resources, cannot be proper and satisfactory to a people who have been long borne down by the ruin and horror of war; whose resources have been drained to the utmost; whose avocations have been destroyed; whose prospects are blighted; and whose future is yet involved in obscurity, and, therefore, to restore the government of 1860, with its ponderous official machinery, is a thing uncalled for and unnecessary.

2d. A complicated system [of bureaus are entirely unnecessary, and we would have desired to have seen the tax payers relieved from longer sustaining the bureau of finance, streets and landings, education and the board of school directors, much of the controller's department, treasurer's office, draining department, assessor's and surveyor's, might be entirely dispensed with, being great gain and relief to the people, and a cause of regret to political aspirants only.

3d. Under any system of democratic government, taxation should be carefully administered. Luxury should be made an excess over utility—business with business—man and man—trade, profession or occupation subjected to an equality of taxes. Such the present charter denies, and contrarily you have added a special provision, pandering to corruption.

4th. A dead charter revived, entails upon the public the burthen of the past, which they ought not be made to carry in the future. Assessment, regardless of circumstances, to support and sustain political combinations, is death to the energies of the people, from which they surely have a natural and inherent right of exemption. The charter just enacted is the dead mummy of the past, and cannot perform the functions of a living being. A new, vigorous, and life-giving charter, adapted to the new era of freedom, under which the citizens might be encouraged to renew their exertions, and grow again in prosperity, was expected from our hands. Salaries have been increased under it. Offices unnecessary must be filled. Extravagance has received a new lease; the people must condemn it. Tax-payers will execrate it; and we, though forced to submit to it, avail ourselves of the right to protest, in the name of our constituents and ourselves, now and forever against it.

D. CHRISTIE,
F. G. CHAMBERLAIN,
O. ST. MARTIN,
SAM. M. TODD.

MR. PRESCOTT—Mr. Speaker: It strikes me that this performance of the honorable gentleman can be excelled only by Don Quixote's tilt with the wind-mill. [Laughter.] The document is certainly not intended for the latitude of Louisiana, but must have emanated from, and should be returned to, South Carolina—that State so famous for its buncombe, and but little else.

The City Charter does not differ materially from the old one, except in providing perhaps for a more efficient and less expensive city government. Still my friend seems to have a very decided genius for protests, and I certainly have no objections to his cultivating it to its fullest extent.

MR. FOLEY—I would like to know, Mr. Speaker, why the gentleman who just read that protest and who was a member of the committee who framed the City Charter, has never before lifted up his voice against it. A very pretty little piece of buncombe for a protest!

MR. CHRISTIE—It is very true, Mr. Speaker and gentlemen, that I did sit in that committee, and if God will forgive me for one half the sins I have committed while a member of this House, I will consider that as the half in question! [Laughter.] I sat in that committee until I saw the drift of the whole thing, as previously concocted, the design of resuscitating the dead carcass that existed here before the rebellion; I became convinced that it was useless for me to oppose it. As to the merits of the case, the machinery of the old charter, so deftly introduced into this, was never suited to the people in by-gone times, and still less is it now. As to the discussion which has taken place in this House, I have nothing to say in reply to the foul and scurrilous attack upon me by the gentleman from rebeldom (Mr. Prescott), who might, with great propriety, be forever banished to the same Carolina to which he has alluded. [Applause.]

There are too many office-seekers—too many officials around this House for any man to hope to protect the liberties of the people. Call me or my

words what you will, I will leave the matter to my constituency and yours, and cheerfully abide by their judgment, with no fear for the result.

MR. PRESCOTT—It is only necessary for me, Mr. Speaker, in closing the debate, to use a few words; for, unlike my opponent, I do not wish to become famous for my much speaking, but trust I shall succeed so far in my efforts, as to obviate the necessity of causing anxious spectators to ask upon which side I am. [Laughter.]

Since the gentleman is apparently desirous to achieve fame, I beg leave to submit, for his consideration, two modes recorded in ancient history as having been adopted by gentry of the same ilk. First, the case of that worthy who, to make for himself a name, burned down the temple of Diana; secondly, the training of birds, who, flying around his head, might, without ceasing, cry, "Christie!" "Christie!" But I must at the same time caution him that he may meet some reviler, like that one of old, who, asking one so exceedingly virtuous and immaculate among his fellows that he was dubbed, *par excellence*, "The Honest," the reason of his having received this title, rejoined, upon being informed, "Henceforth I shall be afraid of you, simply because of your unparalleled honesty." [Great applause.]

As to my being from "rebel-dom," and my prospective banishment, I claim, sir, that I have never hesitated to, throughout all this struggle, maintain a position worthy my distinguished name. I have been under fire; I have been hunted by these same inhabitants of rebel-dom, among whom the gentleman has so kindly located me; [laughter:] I have had a price set upon my head; I have lost everything in this dreadful conflict, except—thank God—an honest heart and firm purpose, of which I never hesitate to follow the dictates, when I detect trickery stalking under the guise of honesty, or political demagoguism under the name of sympathy for the "poor people," for both of which I have the utmost abhorrence, and both of which I will denounce as long as God shall spare me breath. [Great applause.]

At 3.50 P. M. the House adjourned, to meet again at 12 M. on the 9th inst.

THURSDAY, February 9, 1865.

The House met, pursuant to adjournment, when the Rev. Dr. Newman offered prayer.

The minutes of yesterday were read and adopted.

Mr. Chamberlain offered a resolution, setting forth the probable lamentable result of the assault, by the Hon. A. P. Field, upon the Hon. Judge Kelly, at Washington, D. C., and calling for a committee to draft resolutions on the part of the House, expressing its regret.

MR. BAUM—I move it be laid upon the table.

The motion to table was carried—yeas 55, nays 7.

MR. GALLIGAR—I move that no record be kept in the minutes of that resolution.

The motion was carried.

The rules were suspended, and the revenue bill taken up as the order of the day, in Committee of the Whole.

Hon. J. G. Baum in the chair.

MR. CHAMBERLAIN—I move to strike out the words “junk shop” and “bakery,” for the reason that they are improperly grouped. We have here a meat, fruit or vegetable dealer, whose profits amount to five or six dollars a day; and in the same category, and subject to the same tax of ten dollars for a license, a junk shop, the income of the proprietor of which exceeds that of the fruit dealer by a hundred per cent. I do not consider this to be a fair proportioning of taxation, and I therefore propose to license those classes I have indicated, under some other head.

A motion to table was lost, and the original motion thereupon carried.

MR. PEARSON—I move to insert “tailor,” in place of “junk shop.”

The motion was carried.

MR. CHAMBERLAIN—I move to strike out the words “notary public,” as I consider it most unjust to tax that class of the community as much as a man who sells liquor. I would insert notaries public in the same category with lawyers.

MR. MICHEL—I move to lay that on the table.

The motion was carried.

MR. PEARSON—I move to reconsider the vote inserting “tailor” in place of “junk shop.”

Motion carried.

MR. CHAMBERLAIN—I submit, Mr. Speaker, that the taxing an attorney at law fifty dollars, for a license, is an injustice to the profession, and I therefore move to amend it to “twenty-five.”

MR. S. BELDEN—Mr. Speaker: By comparing the proportionable amount of the taxes upon lawyers as it existed under the old law and as it is fixed by this, we find that we are now called upon to pay five hundred per cent. more than formerly, whereas, in regard to the other professions and occupations, nothing like the same discrepancy exists, and I would, therefore, submit to the House the great injustice perpetrated. Why should there be so gross an injustice? I could, for my own part, afford to pay the license of fifty dollars apportioned to an attorney at law, but there are a great many young men, just beginning the practice of the profession, in entering upon life, who cannot afford to pay one dollar, where Mr. Roselius, for instance, would, without feeling it, pay his fifty; by obliging to meet which demand upon his purse, the young practitioner would be, in effect, debarred from pursuing his chosen study.

I cannot help feeling that prejudice against the profession has had its influ-

ence in fixing the amount of the license at so high a figure, especially when comparing it with what other occupations are to pay as license.

I submit the justice of my remarks to the House.

MR. CHAMBERLAIN—Mr. Speaker: I wish to call the attention of the House to the great discrepancy between the licenses sought to be imposed by this State bill and the ordinance recently passed by the city, for the raising of revenue; for whereas the latter fixes the amount of license for an attorney at law at twenty-five dollars, this bill before us would increase that to the sum of fifty dollars—an outrageous discrepancy, and one showing too well the interested motives and prejudiced minds of the framers of the bill.

MR. CHRISTIE—Mr. Speaker: It was not the intention of any member of the committee that framed this bill, to discuss it; but I feel myself called upon to reply to the aspersions which certain members of this House have seen fit to cast upon the motives of that committee.

Gentlemen speak of the city ordinance and the tax imposed upon lawyers, in that bill. The committee had that before it for consideration—emanating, though it did, from that whisky shop, the bureau of finance—and condemned it, as only fit for the waste basket.

It strikes me, that an attorney who cannot afford to pay the license imposed by this bill, must be a very poor lawyer, indeed.

The amendment was laid on the table.

Paragraph seven was read.

MR. BRECKENRIDGE—I move to insert, after “clairvoyants,” “spiritualists,” and make them liable to a taxed license of a hundred dollars per annum, also. The motion was carried.

Paragraph 8 was read.

MR. HARNAN—As junk shops have been stricken out in a previous paragraph, I move to insert here, thus fixing the license therefor, at a hundred and fifty dollars.

It was seconded.

MR. TULLY—I move the committee rise and report unfavorably.

The motion was tabled.

MR. HARNAN—In section 2, I move to amend by fixing the amount of household furniture which shall be exempt from seizure, at “one thousand” instead of “six hundred dollars.”

It was so ordered.

The committee then rose, reported progress, and asked leave to sit again, whereupon the House adjourned until 12 M., the 10th instant.

FRIDAY, February 10, 1865.

The House met, pursuant to adjournment.

A resolution of Hon. P. K. O’Conner, relative to a *sine die* adjournment on March 1st, was laid over under the rules.

The Committee on Internal Improvements reported in regard to the Jefferson City Railroad, that the affairs of that company were to be investigated by the Supreme Court.

The report was adopted.

Mr. Prescott: "An act to annul the charter of the Barratagia, Lafourche and Terrebonne Canal Company."

A motion to suspend the rules to take up the bill allowing interested parties to testify in civil cases, was lost.

The rules were suspended, and the revenue bill taken up in Committee of the Whole.

Hon. J. G. Baum in the chair.

Mr. FOLEY—I move to amend section 3, by inserting "or sales," after "gross," and before "receipts," for some professions receive money on sales—so that the assessment of one quarter of one cent per annum may be upon their gross sales, or gross receipts.

The amendment was carried.

Mr. TOND—I move to strike out the following section:

Sec. 7. *Be it further enacted, &c.*, That the gross receipts for the year 1865, shall include that portion of the year 1864 beginning with the first Monday of July, 1864, and thereafter all income and capital shall include the period between the first Monday in July of the preceding year and the first Monday of July in the year in which the tax is assessed.

I believe that article 109 of the constitution condemns it as retroactive.

The motion was carried.

Mr. PRESCOTT—Mr. Speaker: I move a reconsideration of that vote, for the simple reason that the need for money to carry on the State organization is most pressing, and can only be relieved at once by allowing that section to stand, in order that there may be some data as a base of calculation. If that is struck out, the bill is not worth the paper it is printed upon.

Mr. BOUDREAUX—I acknowledge, Mr. Speaker, that the State is sorely in need of money, but I object most positively to paying my taxes twice, and conceive that a basis of assessment can be ascertained without resort to such a step as that.

Section 8 was read.

Mr. S. BELDEN—In the first paragraph, I move to so amend as to oblige each assessor to have his office "at the parish seat of justice," instead of "at some convenient place, accessible to the public within his parish."

The amendment was adopted.

Section 9 was read.

Mr. FOLEY—I move to strike out "and including the last six months of the year," in regard to the amount of goods sold at certain times, about which interrogatories are to be preferred by every assessor.

The words were ordered to be stricken out.

MR. FOLEY—I move to strike out “assessment district,” in section 14, as there is no such thing.

Carried.

MR. TODD—In section 25, I move to insert “for thirty days,” fixing the time at which the assessment rolls shall be open for inspection.

Carried.

MR. MICHEL—I move to strike out “one” per cent. in section 29, and insert “two,” as the compensation for assessors on the amount of licenses.

Carried.

MR. MICHEL—Inasmuch as we have not yet defined the amount which a livery stable-keeper is to pay as a license, I move that it be fixed at fifty dollars.

MR. S. BELDEN—I amend that to thirty, Mr. Speaker, as I think that that proportionable taxation would be more than sufficient to meet our expenditures and enable us to pay off our indebtedness in proper time, but I do not see why this Legislature is so disposed to increase taxation in some cases, not proportionably.

MR. CHAMBERLAIN—Mr. Speaker : It strikes me that if there is so great a necessity for increased taxation as some gentlemen seem to suppose, the most equitable mode by far of effecting that increase, would be to take the old tax laws and increase each and every item one hundred per cent., thus favoring none.

MR. S. BELDEN—Mr. Speaker : I find, upon examination, that a tax of one quarter of one per cent. upon all the taxable property of the State, and the payment of these different licenses, will furnish a revenue which will be amply sufficient to carry on all the expenses of this government for more than two years.

I would call the attention of the House to the fact that there are trades taxed in the bill before us, which neither this, or any other State that I am aware of, ever imposed such a burden upon—as blacksmiths and contractors—and that a man who has to pay a tax on materials must afterwards pay a license again.

I contend that every dollar levied upon the people of this State, for which we have no use, is nothing more nor less than outright robbery, and must therefore oppose this attempt at extravagantly excessive taxation.

MR. PRESCOTT—Mr. Speaker : I dissent from the gentleman in toto. This bill has been framed according to the data furnished by Dr. Dostie, the state auditor, according to whose views the expenses of the State will amount to a million and a half—or over two millions of dollars, according to other authorities. I, for one, don't believe that the taxation prescribed by this bill will begin to raise even the first named amount. I wish to see enough raised to enable us not only to meet current expenses, but also to pay off the interest upon the State debt, and restore the State to her former just

position. The consideration of revenue bills has already cost us many thousand dollars, and I hope to see no further delay upon or retrenchment of this.

MR. CHRISTIE—I am sorry, Mr. Speaker, to see the character which this debate has assumed—calculating to reflect upon the motives of the committee who framed it. I only wish to say, that the whole committee was fully persuaded, after consultation with the auditor, that there must be an increase of taxation, consequent upon the war and the extravagance attendant upon the reorganization of the State government.

If gentlemen expect to frame a tax bill to suit everybody, they will, when ready to drop into their graves, probably discover their mistake.

MR. S. BELDEN—I am sorry to find, Mr. Speaker, that I was understood as assailing the motives of the members of the committee that reported this bill. I disclaim any intention of that kind, and simply intended to express my opinion that the amount of certain licenses was disproportionate.

I am opposed to making the city of New Orleans and a few parishes liable for the debts of the whole State, and would recommend the postponing of all taxation for such a purpose until the whole State can be made liable to contribution for the liquidation of the same.

It strikes me that it is the duty of the House to make the revenue bill the order of the day for some future date, when I would respectfully request gentlemen to ascertain the amount necessary to carry on the expenses of government, and be prepared to finally and properly dispose of the subject.

The amendment to thirty, from fifty dollars, as license for livery stable keepers, was carried, and ordered to be inserted in the appropriate paragraph.

The committee thereupon rose, reported progress, and asked leave to sit again on Monday, the 13th instant—until which time the House thereupon adjourned.

MONDAY, February 13, 1865.

The House met, pursuant to adjournment.

The resolution relative to appropriating three hundred and thirty dollars as compensation to F. Lambert for enrolling of the last portion of Debates of the Convention, was taken up.

MR. FOLEY—No money can be appropriated by such a resolution as that, Mr. Speaker, but only by joint resolution.

MR. LALOIRE—Mr. Speaker: This work remained unfinished at the adjournment of the Convention, and the governor requested Mr. Lambert to complete it, which he did, and as recompense for that work, the committee to whom his claim was referred, recommend the appropriation provided by this resolution.

MR. FOLEY—I wish to inquire whether this work has been done by clerks of this House?

MR. BOVKE—Yes, sir.

MR. FOLEY—We are paying those clerks five dollars a day for doing nothing, and the chief clerk more for doing the same. If our clerks cannot do this work without this extra pay, I move we discharge them.

MR. BOVKE—Mr. Speaker: As I understand it, this work was done by the enrolling clerks, who were employed to do our work, and not that of the late Constitutional Convention. This work was sent to them by the governor, and it is no more than just and right that they should be compensated, as every one expects to be for extra work.

MR. LASTER—I wish to state, Mr. Speaker, that the late Constitutional Convention employed a very large force of enrollment clerks—more than there was any necessity for—who, instead of attending to their duties, loafed around and put off their work until after the Convention was over, when the Committee on Enrollment was to see that they finished their work.

As they have thus been paid already, I move that the resolution be laid on the table.

MR. VAN TROMP—I contend, Mr. Speaker, that if these clerks have done extra work, they are just as much and a great deal more entitled to extra pay than the very gentlemen who oppose this just claim, but who are now drawing two or three salaries for services which they do not perform.

The resolution was tabled.

MR. FOLEY—I move to reconsider my vote on this question and to lay that motion on the table.

The motion to table was carried.

The joint resolution relative to *sine die* adjournment on the 1st of March, was taken up.

MR. BROOKS—I move it be rejected.

The motion was carried.

The Committee on Printing recommended payment of bill of W. R. Fish, amounting to ten thousand and odd dollars.

The House went into Committee of the Whole, and reported favorably on the revenue bill, which was made the order of the day for February 16th, instant.

The rules were suspended to take up the school bill, when it was found that a quorum was not present.

The House then adjourned until Tuesday, the 14th instant.

TUESDAY, February 14, 1865.

The House met pursuant to adjournment.

The journal was read and approved.

A bill for the relief of Dr. P. Yeizer, appropriating eighteen hundred dollars therefor, was taken up.

The adoption, rejection and laying on the table of the bill, were each moved.

MR. H. C. BELDEN—Mr. Speaker: Before any action is taken on this bill, I would like to have the gentleman explain his reason for moving the rejection of the bill.

MR. LASTER—Mr. Speaker: I moved the rejection of the bill for the reason that the evidence presented does not sustain the claim at all. Dr. Yeizer was previous to the State prisoners being placed in the work-house, the regular city physician in the First and Fourth Districts, and it was his duty to attend to all the convicts, State prisoners and police jails in his districts, and in compensation for these services he received two thousand dollars per annum, paid monthly, as his receipts on file prove. Whether there were State or United States prisoners, it makes no difference, for he was bound, in the performance of his duties, to attend to both, as city physician. There was also a contract entered into between the military authority of the State of Louisiana, which was at that time represented by Gen. Shepley, and the city of New Orleans, by which fifty cents per day was allowed to the city for each convict, in full for boarding, clothing, medical attention, and, in short, everything. The State is not indebted to Dr. Yeizer to the extent of one cent, and after having received his pay from the city, I cannot see how he can have the audacity to bring a bill into this House for extra compensation. He has also brought in bills for extra compensation in the city warehouse. For these reasons, I call for the question.

THE SPEAKER—This matter had better be summarily dealt with, gentlemen, as we have many bills of a public character which should be acted on in preference to those of a private nature.

MR. CREIGH—Mr. Speaker: I believe there were some eighty odd prisoners, which the State of Louisiana supported, and not the city of New Orleans. When those prisoners came, the city physician had to visit sometimes twice a day, as almost all of them were sick. He has presented us with his charges, and I wish the matter referred to a committee for investigation, as to their correctness. The warden was paid in addition to his salary, and I do not see why the claim of the city physician should be rejected.

MR. PRESCOTT—Mr. Speaker: I believe that the bill should be rejected, for the simple reason that the gentleman has been already paid for doing his duty. In my opinion, the burdened tax-payers of this State are under great obligations to the gentleman on my right [Mr. Laster] for exposing the groundless nature of this claim.

MR. LASTER—I merely wish to state, Mr. Speaker, that the city paid for the medicines consumed by these prisoners, which amounted in all to only twenty-four dollars.

MR. H. C. BELDEN—Mr. Speaker: I think that, according to equity and justice, Dr. Yeizer is entitled to the compensation which he claims in this bill; for although the statement in regard to the fifty cents per day is correct, it did not enure in any way to the benefit of Dr. Yeizer.

The only question to be decided is this: Was Dr. Yeizer compelled, by his duty as city physician, to furnish medical aid to these convicts? I say not; and that, burdened as he was by this overplus of labor, he should receive the sum claimed here. I am as saving of the public money as any man in this House, and am responsible only to my constituents, none of whom, I am confident, would for a moment so utterly disregard the order of General Shepley, and our responsibility in the premises, as some members of this body propose to. I declare that no more just bill has ever been presented to any Legislature on this continent. Suppose I should bring in a bill to-morrow that some of the very gentlemen who oppose this bill, and who now receive two salaries, should not in future say anything, such a cry of indignation would be raised as was never heard before. [Applause.]

MR. LASTER—Allow me to say, Mr. Speaker, that it was the duty of Dr. Yeizer, as city physician, to attend to these prisoners. He knew that these prisoners were to be sent to this warehouse, and of the agreement that the city had entered into with General Shepley, but did not complain. If he had any claim why did he not apply to General Shepley, who was well known as a liberal man in all matters where doing justice was concerned.

The truth of the matter is, that all of this talk about the extra duty which Yeizer performed, is a mistake, for the reason that the original number of prisoners was much reduced by death. The city laws require that he shall visit the city prisons once a day, and oftener, if required, so that in view of this and all the other circumstances, I think that Dr. Yeizer should be very well satisfied with what he has already received, and renew my motion.

The motion to reject was carried—yeas 35, nays 33.

Mr. Chamberlain was called to the chair.

The following communication was received from the governor:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT, }
New Orleans, February 14, 1865. }

To the Senate and House of Representatives of the State of Louisiana:

I have this day received, from the secretary of state of the United States, the following communication and certified copy of an amendment proposed by Congress for ratification by the Legislatures of the several States:

UNITED STATES OF AMERICA, DEPARTMENT OF STATE, }
Washington, February 2, 1865. }

To his excellency the governor of the State of Louisiana, New Orleans, La:

SIR—I transmit an attested copy of a joint resolution of Congress, approved on the 1st instant, proposing to the Legislatures of the several States a thirteenth article to the constitution of the United States. Your excellency is requested to cause the decision of the Legislature of Louisiana to be taken

upon the subject. An acknowledgment of the receipt of this communication is requested by your excellency's most obedient servant,

F. W. SEWARD, Acting Secretary.

UNITED STATES OF AMERICA, }
DEPARTMENT OF STATE. }

To all to whom these presents shall come, greeting :

I certify that annexed is a true copy of a joint resolution of Congress, entitled "A resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States," the original of which is on file in this department.

In testimony whereof, I, William H. Seward, secretary of state of the United States, have hereunto subscribed my name, and caused the seal of the department of state to be affixed.

Done at the city of Washington, 2d day of February, A. D. 1865, and of the independence of the United States of America the 89th.

(Signed)

WILLIAM H. SEWARD.

A resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States as an amendment to the constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes as a part of the said constitution, namely :

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

Approved, February 1, 1865.

I gladly and most earnestly recommend to the General Assembly the immediate ratification of the proposed amendment to the constitution of the United States, so that the State of Louisiana may share the immortal honor of having performed her part in abolishing slavery throughout our common country.

(Signed)

MICHAEL HARN.

Mr. Foley moved to suspend the rules in order to take up the joint resolution.

Carried.

MR. BAUM—I move a suspension of the rules, to offer the following joint resolution :

Joint resolution, ratifying a proposed amendment to the constitution of the United States.

Whereas, The Congress of the United States has adopted the following resolution, with a proposed amendment to the constitution of the United States, to be submitted to the Legislatures of the several States, as follows : A resolution, submitting to the Legislatures of the several States a proposition to amend the constitution of the United States.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That

the following article be proposed to the Legislatures of the several States, as an amendment to the constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of said constitution, viz :

ARTICLE XIII.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

Approved February 1, 1865.

Resolved, by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the said constitutional amendment, in manner and form as proposed and submitted by the Congress of the United States, be and the same is, on the part of the State of Louisiana, hereby ratified and accepted.

The rules were suspended by an unanimous vote.

MR. FOLEY—I move it be adopted on the first reading.

Carried, unanimously.

By a further suspension of the rules, the resolution passed its second reading, and was adopted on its final reading, by the following unanimous vote :

Messrs. Belden S., speaker, Bovee, Bouligny, Bofill, Baum, Balser, Buckley, Brown, Bensel, Badger, Bisbee, Burke, Boudreaux, Bernard, Bangs, Breckenridge, Belden H. C., Brooks, Cook, Creigh, Collins, Chamberlain, Christie, Corley, Duane, Dufresne, Danel, Egan, Evans, Foley, Gannon, Galligar, Griffith, Harnan, Howes, Haberlin, Henratty, Hawkins, Hawthorne, Ingram, Kavanagh, Kleas, Laster, Lester, Laloire, Lewis, McCann, McGuire, Meeks, Miller W. D., Miller R. M., Maas, Michel, Mace, Marie, O'Conner, Poynot, Pearson, Prescott, Robinson, Rotgé, Riggs, Spellacy, Schillang, Seymour, St. Martin, Shaw, Smith, Senette, Tully, Todd, Van Tromp, Walsh, Waters, Wolf, Wood, Woodward, Wheeler—78.

Mr. H. C. Belden offered a resolution, giving a vote of thanks to the governor, which was adopted.

A motion to adjourn was lost.

The bill to organize and establish free public schools throughout the State of Louisiana, was taken up on its second reading.

MR. ST. MARTIN—I offer an amendment to section 32, providing that the police jury may visit the parents of those children not attending private school, and fine them for neglecting the education of those young minds.

MR. PRESCOTT—I think the amendment is impracticable. I know that such a law prevails in Prussia, but that is a despotic country, while this is a republic—a free country, and all persons must be allowed the fullest and most unlimited liberty. Such an amendment would be anti-republican, and raise a feeling of indignation which we could not withstand, and which would nullify all the excellent provisions of this bill. I wish such a law could be enacted, but I am opposed to any law which is in conflict with public opinion. It is opposed to the habits and the spirit of the American people ; therefore, it is politically wrong. I admit that it is morally right and would

be glad to support it, if it could be enforced, but it cannot, and will only create opposition, which it is our interest to avoid. The law provides for the education of both races, and I am afraid in doing so, it will create sufficient opposition without adding to it by any provision of this nature.

MR. CHRISTIE—The amendment provides that the parents of children, not attending any private school, may be visited by the police jury, and a fine inflicted for such neglect of the subject of education. Now, it will not matter as to the children attending private schools, and those who neglect the advantages of education offered to them, ought to be made amenable for that violation of the strict duty of an American citizen. Many parents in our State will not do this unless some measure of this kind stares them in the face. I know the idle and indifferent character of many of our people in the interior of the parishes as to this important subject of education. A gentleman says this provision is despotic in its character, but it is one of those things in despotism by which certain classes under these governments are so much more fully educated, than the American people. I think the amendment should be adopted, and that the interests and welfare of all classes will be benefitted thereby.

MR. ST. MARTIN—I offer this amendment for the reason that it is desirable and necessary to carry out this system of education to the full extent in relation to all classes, and this can only be done by the adoption of such a provision.

MR. LALOIRE—I offer the following amendment to the amendment: "Unless for satisfactory reasons furnished to the police jury."

MR. ST. MARTIN—I accept the amendment.

MR. PRESCOTT—I am willing that the experiment should be made, but, at the same time, I have no hopes of its meeting the approbation of the people at large. I admit that in Prussia, and in nearly all of the German States under this system, they have produced the best educated people in the world. I think that will be admitted by every member of the House. I wish to see it introduced here, and I have advocated it for years, but the public was too strong for me and I was carried away with it. In South Carolina a law was passed similar to this, but it did not meet the approbation of the public and raised a storm of indignation that could not be withstood, and the enactment was repealed. I think our people strongly resemble them, and there will be strong opposition to any dictation from the Legislature or any other body, notwithstanding they may be clothed with full authority. Laws have been passed in other States which have conflicted with public opinion—such as laws to compel total abstinence, to abolish gambling, etc.—but they have always been failures, for the want of being properly sustained by public opinion. I am confident that the people of this State will not be dictated to, and will not allow the Legislature or any other body to say they shall or shall not send their children to school.

It has now been no less than four years since the school system was in operation in this State, and then it was inefficient and a total failure; but I think the present system will be a complete and triumphant success. But I do not wish its provisions connected with any enactment such as that which has been offered. I am in favor of it in principle, and only differ from the gentlemen on the question of expediency.

MR. S. BELDEN—As this is a matter of public interest, and professing to have some knowledge of the school system—having, more than once, been a public school director—I have a few remarks to make, and shall support the amendment, for this reason: If it be right to educate the youth of this country—which no member of the House will deny—then it is equally the right for the Legislature to use every honorable means to do so. It is generally conceded that, in this city, we have as perfect a system of free public schools as can be found in any State, except, perhaps, the city of New York. In the country, it is different. My experience teaches me that parents, who are themselves entirely ignorant of what constitutes education in any department, will even live in the immediate vicinity of a school-house, and permit their children to grow up in ignorance. The poor, unfortunate child sustains the loss, and not the parent. The Legislature of this, or any other State, is not dictating to the people of the State, as the gentleman has termed it. We, as their representatives, are not dictating, but only prescribing a system of conduct whereby education can reach children who are unable, of themselves, to attend public schools and receive an education, and make them, in after life, to become competent members of the society in which they live. Under the present inoperative system of free schools, the parent may send the child to school or not. He can, if he wishes, make the child labor in the field, and contribute to fill his coffers by his labor, at the expense of his education. The education of the child is the primary object, and the fruits of his labors only a secondary consideration; and the parent violates every sense of justice and propriety and honor as a citizen, when he refuses to send his child to school, that he may receive, at the hands of the public, that which the law contemplates he should receive. What is the working of the present system? You go into the country parishes and find, for instance, \$2000 is the sum due that parish. A few parents, that see proper to send their children to school, absorb eventually the money; and the indolent, wilfully neglectful parent, who refuses to send his child, not only deprives it of the education he is entitled to, but his child loses the money that actually comes to him under the taxes of the State.

It is a melancholy fact that the youth of this State, excepting the city of New Orleans, are growing up in total ignorance, when it is within their reach to be educated equally with the children of this city. I am in favor of the amendment, and if parents will not give their children the education they are entitled to as a matter of right, I say it is the duty of the government to

force them to do it. It they have an excuse for not doing so, the police juries are empowered to receive it, and will relieve them if they are entitled to it, and there can be no injustice to any one, or reasonable complaint on the part of any one.

MR. H. C. BELDEN—I am in favor of anything that tends to the progress of civilization, but as a humble citizen of the State of Louisiana, I am utterly opposed to the theory and practice of this amendment, which approximates too closely to despotism. On the one hand, forcing the parent to send his child to school may tend to improve the coming generation, but on the other hand, it is not only a close approach to despotic action, but is despotism itself. How many poor parents there are who are unable to support themselves and families without the assistance of their children, and if you snatch them from their parents and send them to school, it will lead to much suffering. It is the duty of parents to their children to send them to school. It is to be presumed they will not neglect the education of their children when it costs nothing. Such an act would be inconsistent with the principles of our republican government, and I hope it will be rejected.

MR. HARNAN—I have but a few words to say on this most arbitrary measure. We have a system of free public schools, under the management of a school board in the city, and police juries in the parishes. On that board there is not a single Catholic member. How it will be on the police juries, I cannot say. Will these gentlemen compel me to send my children, against my will, to these schools, where they may imbibe a different religion or education from that which I would instil into their minds? I would sooner cut my right arm off than have them educated under a different religion from my own, and if such a provision is adopted, it will be one of the most extraordinary ever heard of in our country.

MR. CHRISTIE—In answer to the gentleman, I would ask him to look through the bill, and see if he can find one word that justifies him in dragging into this debate the subject of religion; that is a matter between each man and his Maker alone, and the bill has nothing to do with it. The rights of all are sacredly guarded under this bill, and I defy the most zealous churchman in the State to find anything that will bias his children on the subject of religion. Not even the book of books, the bible, is mentioned in a single instance. The system allows all denominations to meet on a common basis, and educate their children at the expense of the State. There is nothing, therefore, in the gentleman's remarks to the proposed amendment. In regard to the despotism of such a provision, if it be despotism to educate the people of the State, I hope it may fall upon the State of Louisiana. This measure is a positive necessity, and the time has come when we must, if we would do justice to the child and the parent, compel them to take an interest in this subject, which they have never taken hitherto, and perhaps are not altogether blamable, because our system has been a lamentable farce.

The subject of education has been on the statute books, but only as a dead letter, while the money provided for the purpose has been shamefully squandered. The time for trying new things has come in Louisiana, and measures may be carried out successfully to-day, that could not have been carried out a few years since, and I hope this amendment will meet with no farther opposition.

MR. TODD—I move to lay all amendments on the table.

The yeas and nays were called on the motion, with the following result : yeas 37, nays 20.

There being no quorum present, the House adjourned until 12 m., Wednesday, February 15.

WEDNESDAY, February 15, 1865.

The House met, pursuant to adjournment.

MR. VAN TROMP—I respectfully ask permission of the House to record my vote in regard to the constitutional amendment.

MR. BOYKE—I amend to "every member who is desirous of voting on the same and did not vote on yesterday."

Adopted.

MR. CHRISTIE—I move a reconsideration of the vote in regard to the bill for the relief of Dr. Y. P. Yeizer.

The motion was carried and the bill adopted, on first reading, a motion to suspend the rules for a second reading, having been lost.

The amendments of the Senate to the bill relative to justices of the peace were concurred in by the House, and the bill adopted as amended, on its second reading, by the following vote—yeas 40, nays 19.

The school bill was taken up and the amendment offered yesterday by Mr. St. Martin was tabled. There not being a quorum present when the previous vote was taken, the yeas and nays being called.

MR. FOLEY—In section 35 I move to make the salary of the State superintendent \$3000 per annum instead of \$4000.

A motion to table, was lost, and the amendment adopted.

MR. HARNAN—I move to amend section 38 by making the poll-tax levied on colored males two dollars instead of three.

Adopted.

The bill was then adopted on its second reading as amended, and by a suspension of the rules adopted on its final reading.

On motion, the House then adjourned until 12 m., Thursday Feb. 16th.

THURSDAY, February 16, 1865.

The House met, pursuant to adjournment.

Mr. Boudreaux offered the following resolution :

Resolved. That a committee of — be appointed to wait on his excellency, governor Hahn, and ask him to use his influence in regard to trade stores in the State of Louisiana.

MR. LASTER—I move to table.

The yeas and nays were called, resulting in a tie vote.

THE SPEAKER—I shall vote in the affirmative, believing this to be a matter to be taken cognizance of by the military authorities.

The following gentlemen gave notice of their intention to introduce bills :

Mr. Badger : “ An act to repeal several acts incorporating and giving special privileges to the Grand Lodges of Free Masons, as at present organized.

Mr. Chamberlain : “ An act to authorize the president of the Senate and speaker of the House to compel the attendance of absent members.”

The rules were suspended and the revenue bill taken up on its second reading.

MR. HARNAN—I move to amend the first clause of section 1, by adding, “ *Provided*, that their business exceeds one thousand dollars, gross receipts.”

MR. FOLEY—I move to lay it on the table.

Carried.

MR. HARNAN—I amend the tax on saw mills, etc., to twenty-five dollars instead of twenty dollars.

Tabled.

MR. HARNAN—I move to strike out “sub-contractor.”

Tabled.

MR. MICHEL—I move to amend the licenses of clause 6 to twenty-five dollars instead of fifty dollars.

Tabled.

MR. TODD—I move after the words “counsellor at law,” to insert “civil engineer and surveyor.”

Adopted.

MR. CHAMBERLAIN—I move to divide the sixth clause into two. The professions embraced in it are not properly grouped together.

Lost.

MR. BADGER—I move to strike out “spiritualist.” That is a religious denomination.

Lost.

MR. HARNAN—I amend the license of distillers, etc., to \$200.

MR. SEYMOUR—I amend to \$250.

Adopted.

MR. CHAMBERLAIN—I move to strike out “junk shop.”

Tabled.

MR. FOLEY—Before section 1 is adopted as a whole, I wish, Mr. Speaker, to call the attention of members to the following words in paragraph 7 : “From each and every keeper of a brewery, restaurant, coffeehouse, bar-

room, or cabaret, where spirituous liquors are sold by the glass"—which I move to strike out, for the reason that there are no spirituous liquors sold in a brewery. Unless we do take the step, restaurants will not be taxed at all, though they can afford to pay the tax of one hundred dollars, which I believe this House intends to fix upon them, more easily than almost any other class of persons.

I therefore move to strike out the section.

The motion was tabled.

MR. HARNAN—I move to strike out the whole of section 10.

Tabled.

MR. MICHEL—I move to strike out the words "gross receipts," in this section, and insert profits.

Tabled.

MR. HARNAN—I move to strike out paragraph 6 of section 5, because it will prevent entirely the production of cotton, sugar and molasses.

MR. PRESCOTT—Mr. Speaker : I don't agree with the gentleman at all, for the reason that I believe the producers of the respective products ought to pay the tax of one dollar a bale on cotton, fifty cents on a hogshhead of sugar and twenty cents a barrel on molasses, in return for the protection which the State gives them. It is only just that they should pay those taxes at any rate, and instead of striking out that section, I believe the taxes should rather be doubled, and am not in favor of exempting any one from contributing to the support of our government. The tax proposed will create a very large revenue, as it embraces a very large portion of ground, and it is incumbent upon us, in the present impoverished condition of our treasury, to raise all the revenue which we can without making the taxes oppressive. I am most sincerely of the opinion that the doubling of the taxes referred to would not be considered exorbitant by the producers of the different staples, because they are able and willing to contribute liberally to the upholding of our government.

I therefore hope that the section will remain as it is, and therefore move to lay on the table the motion to strike it out.

The motion to table the motion to strike out was carried.

MR. TODD—I move to amend, in section 6, by making the tax on sugar "one dollar" instead of "fifty cents" per hogshhead.

Tabled.

MR. FOLEY—I move to add, "except the year 1864," at the end of paragraph 1, of section 9.

Carried.

The Hon. S. M. Todd was called to the chair.

MR. FOLEY—I move to insert, "and personal," after "real," so as to make both real and personal property subject to a lien for taxes.

Tabled.

MR. CHAMBERLAIN—I move to amend section 34 by inserting, “superintendent” in place of “treasurer,” as there is no such thing as a “parish treasurer” to attend to the school affairs.

It was so ordered.

MR. FOLEY—I move to insert “October” instead of “July,” because when this bill passes both Houses it may be the 1st of April, and then there would not be time to take the census of the children.

It was so ordered, and the bill was then adopted—yeas 43, nays 13, and ordered to be engrossed.

MR. FOLEY—I move to suspend the rules that the bill may be adopted on third reading, by title.

MR. MICHEL—Mr. Speaker: Having been a member of the committee that reported on that bill, I shall vote “no,” because I object to the whole of section 3 and the auctioneers’ license.

The bill and title thereof were adopted on third reading.

The House then adjourned until 1 P. M., the 17th inst.

FRIDAY, February 17, 1865.

The House met, pursuant to adjournment.

A petition, from the colored veterans of 1812 and ’14, was referred to a committee of five.

MR. MICHEL—I move a suspension of the rules, to take up the bill relative to the fees of justices of the peace and constables throughout the State, that it may be referred to the Committee on Judiciary.

The rules were suspended, whereupon the bill was read and referred.

MR. BRECKENRIDGE—Mr. Speaker: I have sent a resolution relative to the commencement of our sittings. I wish to call the attention of the House to the time at which we now commence business. I am not influenced by the article which has just appeared in the paper, but believe that members should be here at 11 o’clock, in order to begin at 12 M.

MR. CHAMBERLAIN—That is out of order, as it is amending the rules of the House. I refer to article 62.

THE SPEAKER—I decide this to be a notice.

Mr. Chamberlain gave notice that he would introduce an act to impeach certain persons of the State of Louisiana, for incompetency and malfeasance in office.

MR. VAN TROMP—I move to suspend the rules, to take up the House bill for the relief of the Catholic Ladies Association, at Baton Rouge.

If gentlemen understood the imperative necessity that these poor unfortunate children are laboring under, for the merest necessities of life, they would lend their voice for their relief at once. I have been to Baton Rouge, and *know* what they are suffering, and therefore beseech you to extend the hand of charity for their relief.

The rules were suspended and the bill read.

MR. CHAMBERLAIN—I move to amend, by inserting “three,” instead of “two thousand dollars.”

The amendment was adopted, the bill passed on second and third reading and adopted, with title—the rules being suspended.

MR. BRECKENRIDGE—I move a suspension of the rules, to take up a bill relative to appropriations to the Ladies Catholic Asylum, at Baton Rouge, and the Protestant Asylum, at Baton Rouge.

The rules were suspended and the bill read.

MR. VAN TROMP—As the Ladies Catholic Asylum is already provided for, I move to strike that out of this bill.

It was so ordered, when the bill was adopted on second and third reading—the rules having been suspended.

MR. LASTER—I call for a suspension of the rules to take up the bill relative to boarding-house and hotel keepers. Their impositions are at present so great, that many persons have been to me to advocate the passage of this bill, and I therefore hope that gentlemen will consider the matter.

A motion to table was lost, whereupon the bill was adopted on second reading, a motion to suspend the rules for a third reading having been lost.

The militia bill was taken up.

MR. SETYMOUR—I move it be indefinitely postponed.

MR. CHAMBERLAIN—We have merely to concur in the Senate amendments, and I make the motion that we do so.

On taking the vote on concurrence, it was discovered that no quorum was present, whereupon the House adjourned until Monday, February 20th.

MONDAY, February 20, 1866.

The House met pursuant to adjournment at 12 M., and prayer was offered by the Rev. Charles Strong.

The minutes were read and approved.

The chair appointed the following committee on the petition of the colored veterans:

Messrs. Tully, Chamberlain, Smith, Poynot and Cook.

The resolution laid over yesterday, relative the House meeting at eleven o'clock, was tabled.

Mr. Breckenridge offered a resolution imposing a fine of \$8 on members being absent at roll-call, was declared out of order.

The Committee on Unfinished Business, reported the bills acted upon during the past two week. The report was adopted.

The committee appointed to secure a building suitable for a State House, submitted a report, stating that they had examined several buildings—the Odd Fellows' Hall, the Mechanics' Institute, and the University of Louisiana, and recommended the selection of the latter. Report adopted.

Mr. Brooks offered a resolution, to appoint a committee of three to make final arrangements for the removal of the State government to the above building. Adopted.

An act to compel the attendance of members of the General Assembly, was taken up on its first reading.

Mr. KAVANAGH—I move its rejection.

Mr. CHAMBERLAIN—I should like to hear the gentleman's reasons. It is only a copy of what is now one of the acts of 1856. It was found necessary then, to compel the attendance of absent members, to enact some such provision, and we have had, now, a disgraceful exhibition of want of patriotism on the part of members to attend to their duties. It is absolutely necessary that some such act should pass, before we can compel members to attend to their duties, and I trust there is no gentleman here so dead to his country's welfare as to object to this provision.

Mr. H. C. BELDEN—I am strongly in favor of the rejection of the bill. It bears on its face the evidence that the members do not understand their business; or if they do, are so negligent that they do not consult the interest of their constituents. On the other hand, according to the gentleman's statement, it is merely a copy of the act of 1856, which is now in force. I presume there is not a member here who does not understand his duty, and if he fails to perform it, he is liable to be punished for his neglect, under the existing law.

Mr. Brooks—I am in favor of such a bill being adopted. We have had sufficient evidence to prove how much such a bill is needed. It is true, that it exists in the acts of 1856, but it seems that some of the members do not consider it binding, and for that reason I think we should re-enact it, and hope this bill will pass.

Mr. TODD—I do not see the necessity for re-enacting this bill. We have always had a quorum in the House, without one exception. There is sufficient patriotism in this body to induce it to meet regularly. If such a provision is necessary in the Senate, let them enact it—but we do not need it here.

Mr. PRESCOTT—Mr. Speaker: I am very sorry to be obliged to differ from my able and patriotic friend on my right [Mr. Chamberlain] and think it wholly unnecessary to enact such a law, because it already exists. If a majority of the Senate see fit to re-enact such a law in order to prevent the disreputable want of a quorum, which has called down so many anathemas from the press, why should we be called upon to pass a law, properly applicable to another body, but entirely uncalled for in this? I can say, with one exception, we have always had a quorum and frequently an excess is present, rendering such a law entirely unnecessary, as far as we are concerned.

A law is already recorded upon our statute books to the same effect as the one now before us, which is not in conflict with the present constitution. It

is therefore still in full force, so that there is not the slightest use of our passing another law or re-enacting the one now upon our statute books. I consider that our so doing would merely be to put the people to an unnecessary expense without gaining anything.

We have no right to interfere with the Senate or cast any reflection upon their action, for they are responsible to their constituents only, in the same manner as ourselves. We have shown a disposition to meet our responsibilities and to perform our duty to the entire satisfaction of the people, but should not interfere with the action of the Senate.

As I think the bill totally unnecessary, I shall vote for its rejection.

The bill was rejected—yeas 36, nays 26.

The militia bill was referred to a committee of three, to compare the House bill with that returned from the Senate.

The Senate bill relative to the adoption of children was adopted on second reading, whereupon the House adjourned until 12 m., of February the 21st.

TUESDAY, February 21, 1866.

The House met pursuant to adjournment, at 12 m.

Prayer was offered by Father Magée.

The minutes were read and approved.

A resolution was offered by Mr. Baum, that the House adjourn over February 22d, it being the anniversary of the birth of Washington, which was adopted.

Mr. Chamberlain was called to the chair.

Mr. Seymour obtained permission to withdraw a bill to incorporate the St. George's Academy, on the grounds of its being unconstitutional.

The Committee on Penitentiary submitted a report, which was adopted.

The committee to whom was referred the militia bill, to report the amendments of the Senate, submitted a report, which was adopted.

Mr. Harnan gave notice of the introduction of an act to amend article 647 of the Code of Practice.

On motion of Mr. Christie, the rules were suspended, to take up the report of the Committee on Banks and Banking, when the reading thereof was suspended, one hundred and fifty copies ordered to be printed, and made the order of the day for Monday next.

On motion of Mr. Baum, the rules were suspended and the militia bill was taken up as amended by the Senate, at section thirty-five, and adopted by the House without discussion.

The rules were, on motion of Mr. Poynot, suspended and the bill adopted on third reading, as amended, by and with title.

A motion to suspend the rules and take up the bill for the relief of Dr. Yeizer was lost, as was a similar motion in regard to the claim of Mr. Prendergast.

A motion to adjourn was lost.

The bill relative to District Courts of the parish and city of Orleans, was taken up and adopted on second reading, with amendments.

The bill relative to public acts, was adopted, as was a bill relative to public advertisements.

The House then adjourned until Thursday, the 23d inst.

THURSDAY, February 23, 1865.

The House met, pursuant to adjournment, at 12 M., Mr. Michel in the chair.

Prayer was offered by the Rev. Dr. Newman.

The minutes of yesterday's proceedings were read and approved.

Mr. Van Tromp offered the following :

Whereas, It is imperatively necessary that the election of municipal officers for the city of New Orleans should be held at as early a period as possible ;
Be it resolved, That the City Charter be recalled from the Senate and put upon its final passage, the amendments by this House being by this resolution rescinded.

MR. FOLEY—I move to lay it on the table.

Carried.

Mr. Foley : " A bill to grant John A. Nolan the privilege of running a steam ferry between DeSoto and Vicksburg."

Mr. Bensei : " An act to tax foreigners who are pursuing a trade or occupation in this State."

Mr. Baum : " An act to make appropriations for the general expenses of the State for the fiscal year ending December 31st, 1865."

" An act to amend article 641, of the Code of Practice," was adopted on its first reading.

MR. CHAMBERLAIN—In consideration of the fact that there are a number of bills on their second reading, of very little importance, which can lay over, and while there are some of great importance that will go over if we take up the regular order of business, I move that members be permitted to call up and put any particular bill upon its readings, instead of proceeding in the regular order.

Carried.

MR. LEWIS—I call up the bill relative to persons holding commissions in the so-called Confederate army.

The bill was read and adopted on its second reading.

A motion to suspend the rules for a final reading, was lost.

MR. CHAMBERLAIN—I call for the bill relative to the taking of the testimony of interested parties in civil cases.

The bill was taken up and read the second time.

MR. HARNAN—Mr. Speaker : I am opposed to this bill, for the simple reason

that I believe it has a direct tendency to encourage perjury. Under its provisions, any man can go into court and swear that you or I owe him a certain sum of money—leaving us wholly without defence—for, as every lawyer knows, nothing is so hard to prove as a negative.

MR. CHAMBERLAIN—Mr. Speaker: I wish to call the attention of gentlemen to the fact that, according to the provisions of this bill, both parties—not only the interested party, but *both*—are to be allowed to testify. Does the gentleman who has just spoken suppose that if I were to sue him to-morrow, my testimony would be received and his rejected? The proposition is utterly preposterous.

How many of us are every day engaged in transactions to which there is not even one witness? In such cases, both parties should be heard—and the oath of one party is no better than that of the other, *per se*. A similar law to this is in existence in every State of this Union, save three, and likewise in France and England. Why, then, should we be behind the times, when it is so absolutely necessary to the doing of justice, that such a course as this bill points out should be adopted? The value of the evidence will, of course, be determined by the judge and jury, corroborated or negated, as it may be, by the character of the party giving it.

On account of the manifest justice of the bill, I claim for it a fair consideration.

MR. HARNAN—The gentleman seems intent upon abolishing the old and safe law of obliging every man to put his agreements into writing.

MR. H. C. BELDEN—I believe, Mr. Speaker, that such a bill as this is eminently necessary in this State; for the adoption of one of a similar character, by nearly every other State of this Union, proves at once its utility and the justice of its provisions. According to the provisions of our law, the plaintiff in a suit is entitled, in substantiation of his charge, to categorical answers from the defendant, thus denying him all privilege of explanation, except to a very limited extent—thus convicting a man, who is not allowed to ask why a certain question is asked him, on his own testimony.

By the adoption of this bill, all such difficulties will be removed, and each man can probe the conscience of every other. As to the objection which has been urged by one gentleman, would not any of us resent, as an insult, the insinuation that we would perjure ourselves for gain? I believe every man to be honest until the contrary is proved, and demand, in return, the same concession to myself.

I am strongly in favor of the bill, and shall vote for its adoption.

MR. PRESCOTT—I grant, Mr. Speaker, that under the provisions of the law as it now stands, there are instances of injustice and hardship, but I think that a change would expose the community to such unlimited corruption and fraud, as would greatly overbalance the small amount of good which might be incident to the adoption of the present bill. At present, when a man

makes a contract, he knows that unless it is in writing he can have no claim, and, therefore, takes the necessary precautions, and I am sure that a change from the wise and salutary provisions of our present system would be in the highest degree disastrous to our commercial community, opening, as would necessarily be the case, the very flood gates of corruption and increasing the litigation of fictitious claims to an incalculable extent.

Being of this mind, I can't but vote in the negative, and sincerely trust that bill will be rejected.

MR. CHAMBERLAIN—Mr. Speaker: Before putting the question, I beg leave to submit a closing word in favor of this bill.

I submit this bill only after consultation with, and in accordance with, the desire of the ablest jurists of this city and State, who were unanimous in the expression of the belief that it would discourage, to a greater extent than any other measure possibly could, the litigation of fictitious claims. Being duly conscious of the importance of this step, I have proceeded cautiously, and wish to state that this bill has been drawn up, not by me, but by Rufus Waples, who is, I believe, pretty good authority in matters of law. Its adoption has been urged by prominent legal gentlemen, on the ground, that on the one hand parties would not refuse to pay claims, if knowing that the plaintiff would be allowed to testify to his knowledge of the affair, and that on the other hand, litigant and vicious parties would be much less likely to bring into court frivolous or false claims, for the same reason.

In short, the bill commends itself so thoroughly to the good sense of the House, that I do not deem it necessary to discuss farther its many advantages.

The motion to reject was lost—yeas 26, nays 32—whereupon the bill was ordered to be engrossed for a third reading.

An act relative to divorces was taken up on its second reading.

MR. CHAMBERLAIN—I move to amend the bill by striking out that portion relating to the keeping of concubines.

MR. H. C. BELDEN—As I offered the bill, I wish to say a few words in explanation. Under the present law it is required that the husband and wife should be separated, or that she should have left the matrimonial domicile for five years. This bill amends the time to two years. The other difference between this act and the present law is this: If you choose to institute an action now for divorce, you have to bring that suit against her, and have to serve her with three summons, at intervals of one month; consequently, five years and three months must elapse before you can get the party in court. I propose to amend by excluding this three months' service, and letting an ordinary citation suffice, so that at the end of two years you can bring your suit without further delay.

MR. TODD—I have no objection to the bill in this connection, but I move to insert "shall have abandoned" instead of "shall abandon," which is not the proper expression.

MR. CHAMBERLAIN—I object to the second section of the bill, because it is partial and unjust to one party. The husband is given a divorce when the wife is convicted of adultery, while she is entitled to a divorce only when he has kept his concubine in the common dwelling, or openly and publicly in any other place. Why not give the wife a divorce when the husband has been convicted of adultery, without its being necessary that he should have kept his concubine in the common dwelling, or openly in any other place? I regard it as very unjust on the part of law-makers, to impose additional restrictions upon the granting of divorces to wives. The same conditions should be enforced in regard to each party, and then it would be equal, fair and honorable to all. The same evidence should be found for divorce in each case, and we should be willing to allow our acts to be subjected to the same scrutiny as the acts of the wife. I think the bill is very unjust, and I move to strike out the words "when he has kept his concubine in the common dwelling, or openly and publicly in any other place."

MR. TODD—I move to lay that on the table.

Lost.

The yeas and nays were called on the motion to strike out, which was lost—yeas 27, nays 33.

MR. TULLY—I offer as a substitute for the words which it has been moved to strike out, the following: "when he keeps a concubine, either publicly or privately, in the common dwelling or any other place."

MR. TODD—I move to lay that on the table.

Carried.

MR. TULLY—I move to make the time of separation or abandonment one year instead of two.

MR. FOLEY—I amend to one month.

MR. TODD—I move to insert "shall have abandoned," in place of "shall abandon."

MR. LESTER—I move to lay all amendments on the table.

Carried.

The yeas and nays were called on the adoption of the bill as amended, on its second reading—yeas 46, nays 11.

There being no quorum present, the House then adjourned until 12 M. Friday, February 24th.

FRIDAY, February 24, 1865.

The clerk called the House to order at 12 o'clock M., pursuant to an adjournment.

On motion, Hon. John T. Michel was called to the chair.

MR. TULLY, chairman of special committee relative to the colored veterans of 1814 and 1815, presented the following report:

H24

To the honorable speaker and members of the House of Representatives of the State of Louisiana:

GENTLEMEN—The special committee appointed by you to consider the petition presented to your honorable body by the colored veterans of 1814 and 1815, beg leave to report, that they have examined said petition, and recommend that the prayer thereof be granted. There are now left of that patriotic class of veterans only twenty-three or twenty-four, and these are far advanced in age, and will not remain long before departing this life and going to that region where so many of their comrades—who have fallen by their sides in fighting for their country, under the immortal Jackson—now are.

Your committee therefore recommend the adoption of the following joint resolution:

Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the sum of ten dollars per month be granted to each of the colored veterans of 1814 and 1815, as a pension, during their natural lives, in consideration of the services rendered by them in defence of their country.

All of which is most respectfully submitted.

JOHN S. TULLY, Chairman.

Report received and adopted, and resolution laid over under the rules.

The following members gave notice of their intention to introduce bills:

Mr. Meeks: "A bill for the relief of Messrs. J. M. Pinlgar and John McLean, for services rendered the State."

Mr. Breckenridge: "A joint resolution, instructing our senators and representatives to use their influence in re-establishing postoffices throughout the State."

An act to provide for the liquidation of banks. First reading and adopted.

Mr. Prescott moved that one hundred and fifty copies of the bill be printed. Adopted.

An act making appropriations for the State for the fiscal year ending 1865.

Mr. Lewis moved to reject the bill. Lost.

An act relative to divorces. Second reading, adopted, and ordered to be engrossed.

An act for the relief of J. C. Prendergast. Second reading.

Mr. Todd moved to postpone the action on the bill until Monday next.

Mr. Prescott moved to table. Carried, by a rising vote of 42 yeas and 30 nays.

Mr. Prescott moved to reject the bill. Carried, by the following vote:

Yeas—Messrs. Bovee, Bouligny, Baum, Balser, Bense, Burke, Boudreaux, Bernard, Breckenridge, Brooks, Chamberlain, Christie, Corley, Duane, Danel, Dufresne, Evans, Foley, Gannon, Galligar, Griffith, Hawthorne, Ingram, Kleas, McCann, McGuire, Meeks, Maas, Prescott, Robinson, Rotgé, Riggs, Schillang, Seymour, Senette, Tully, Todd, Van Tromp, Waters, Woodward, Wood, Wheeler—42.

Nays—Messrs. Buckley, Brown, Badger, Bangs, Cook, Creigh, Collins, Egan, Harnan, Howes, Haberlin, Henratty, Kavanagh, Lester, Laloire, Lewis, Nephler, O'Connor, Pearson, Shaw, Walsh, Wolf—22.

Mr. Foley gave notice that he would move to reconsider his vote on the rejection of the bill, on Monday.

On motion of Mr. Harnan, the House adjourned until Monday, Feb. 27th.

MONDAY, February 27, 1866.

The House met, pursuant to adjournment, at 12 m., and prayer was offered by the Rev. Charles Strong.

The minutes were read and adopted.

The following message was received from Governor Hahn :

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT, }
NEW ORLEANS, February 27, 1866. }

To the Senate and House of Representatives of the State of Louisiana :

GENTLEMEN—I hereby resign my office of governor, to take effect on the 3d of March, proximo, so that my occupancy of the office may terminate with that date, and enable my successor to be inaugurated, if convenient to your honorable bodies, on the 4th of March.

The one year of administration which I have had as your governor, is a period to which I shall ever advert with pride and pleasure. Called to the office by a flattering vote of the people, I entered upon its duties with diffidence, and a full sense of its responsibilities. I leave it without self-reproach, and with pride at having performed a part, however humble, in the triumphs and glories which have marked the history of Louisiana during the past year. At its commencement half the State—the portion exempted by proclamation—held slaves. By a vote approaching unanimity, every slave has been since set free ; and slavery will never more have an existence in fact or a sanction in law, in the State of Louisiana. Justice to a hitherto enslaved race has not ended here. The most extensive as well as impartial and equal provisions have been made for their education, while our constitution, keeping pace with the spirit of the age, has provided for their complete equality before the law, including the extension to them of the highest privilege of citizenship. I have no hesitation in saying that its terms will justify the adoption of universal suffrage, whenever it shall be deemed wise and timely ; and if the most devoted enthusiast shall complain that the doors have not been thrown open at once to all, he must admit, as we can claim, that our State has progressed farther than three-fourths of the northern States, while showing tenfold more rapidity of progress in liberality of sentiment than any of them. We trust to vie in every noble and patriotic work with the best and foremost of our sister States. Our State has furnished and is furnishing, in proportion to the able-bodied men in the State, a quota to the Union armies equal to that of any other State. Even in the parishes within the rebel military lines, we are assured of the existence of a union feeling ; while the presence in our midst of so many of their best and most substantial citizens, as refugees, attests that ever-loyal Louisiana was but defrauded into the meshes of the secession movement. Not only this, but the return one by one of her absent sons to their homes and fire-sides, which has been so marked of late, shows that the embers of secession feeling are dying away, and but for a relentless military despotism, the rebellion would have ere this closed, so far as Louisiana, or any considerable portion of her people, is concerned.

I speak of these things as encouraging signs of the times in Louisiana, which now, as at the outset of the rebellion, can claim to be fully as loyal as Mis-

souri, Maryland or Kentucky; her inhabitants have passed the Rubicon of their trials. The power of secession is waning; its influence is now scarcely felt among our people.

Our progress in civil reorganization has been equally auspicious. A constitution has been accepted by the people, which has swept away, not only the last vestige of human bondage, but all the concomitant blemishes upon civilization which stood upon our statute books and were a part of our institutions. The Black Code, so long the reproach and regret of the humane and enlightened of the world, exists no more. The odious basis of representation, which gave to wealth and capital a leverage against the mechanical and industrial classes—which favored, as it was designed to, the establishment of an oligarchy among American freemen—is removed at once, without the necessity of a long and wearisome agitation, as would otherwise have been necessary for the attainment of the simple justice of equal representation. One voter is now equal to another, and entitled to the same privileges and proportional representation. Older governments and communities have had to battle for years without success for this plain, practical and essentially republican measure. Our constitution favors industry, secures the reward of labor, guarantees impartial education, invites immigration and will be the basis of a prosperity hitherto untold in our annals.

I leave your chief executive office in the hands of my constitutional successor, Lieutenant-Governor Wells. He has already received marks of the confidence of his fellow-citizens of this State, and is known to you all for his patriotic antecedents. I have full confidence that his administration of the government will have the support of our fellow-citizens, without distinction of party.

For myself, I shall never forget the many and flattering marks of kindness which I have received from my fellow-citizens of Louisiana. That confidence which they have unwaveringly awarded me, it will be my endeavor ever to merit and justify. Whether it be to serve her in the public or the private station, her honor and her glory it will be my constant aim to promote, with all the humble ability I can command.

I respectfully recommend the Legislature to take such measures as may be necessary to provide, in a fitting manner, for the inauguration of Lieutenant-Governor Wells into the office of governor.

(Signed)

MICHAEL HAHN.

Mr. Balser offered a joint resolution tendering a vote of thanks to his excellency Gov. Hahn, the preamble and resolution to be published in the New Orleans and Washington papers. The resolution was adopted—yeas 65, nays 4.

Mr. Baum offered a joint resolution, calling for a meeting of the General Assembly on Saturday, the 4th of March, on the occasion of the inauguration of Lieut. Governor Wells, in consequence of the resignation of his excellency Gov. Hahn, to take effect after the 3d proximo. Adopted.

Mr. Chamberlain offered a resolution tendering a vote of thanks to Gen. Sherman and his men for their success at Charleston. Adopted.

Mr. Brooks offered a resolution to recall the City Charter from the Senate, and rescind the amendments, which was declared out of order.

A complaint of the people of Baton Rouge against Mr. B. F. Flanders, was referred to the Committee on Federal Relations.

A petition relative to establishing a ferry between Vicksburg and DeSoto, was read.

MR. CHAMBERLAIN—I move the petition be referred to the Committee on Internal Improvements.

MR. CHRISTIE—I would amend that, to the police jury of DeSoto parish.

MR. PRESCOTT—Mr. Speaker: This should be "parish of Madison," and not of "DeSoto," as in the bill. In the present condition of our State, the police juries are not able to act, and I presume that it is on account of this fact that this bill is referred to the House. The House has undoubtedly a right to grant a ferry in this locality, and since the non-establishment of a ferry would be of serious detriment to the good people of that section, and the police juries cannot act in the premises, I move that the bill be referred to the committee proposed.

MR. FOLEY—I move that it be referred to Committee on Parochial Affairs, as the military authorities have given this party permission, and he merely wishes our sanction.

The motion was carried.

MR. FOLEY—I move a reconsideration of the vote rejecting the claim of Mr. Prendergast.

MR. VAN TROMP—Mr. Speaker: I would like to know what great discovery the gentleman has made within the last three days that even the genius of a Prescott has failed to perceive? [Applause.] Until we have positive proof that the claim is just and right, I am utterly opposed to the motion—especially as I am credibly informed that this claim is presented, not by Mr. Prendergast himself, but by Mr. O'Brien.

MR. PEARSON—I am in favor, Mr. Speaker, of the motion, for the reason that I am in favor of giving Mr. Prendergast an opportunity of proving the justness of his claim—especially as I understand that the only evidence before the committee was that contained in the bill itself.

MR. PRESCOTT—Mr. Speaker: The question involved is simply the validity of this claim, and in regard to that point I have a little evidence which I wish to submit.

I wish to call your attention to the fact that Mr. Prendergast has already received some three thousand odd dollars. If this gentleman had refused to receive this as full compensation, his claim might be yet good; but he *did* accept it in *full compensation*—thereby releasing the State from all further payments. Then a subsequent Legislature, influenced by motives which I know not of, granted him a further three thousand odd dollars—not as a matter of right, but merely as a liberal gratuity, and as such it must be considered.

Legal gentlemen know perfectly well that this claim is barred by prescription, and cannot be collected in this or any other State, and I insist that the argument applies with equal force to the case of a private individual.

I wish to see this matter settled, for it has already become too expensive a matter of legislation. I shall therefore vote against a reconsideration, believing that I shall never have cause to regret such action.

MR. LALOIRE—I wish to inquire of the gentleman (Mr. Prescott) if he has shown to the House that Mr. Prendergast has received the full amount of his claim? If he shows that, I am prepared to vote against this act.

MR. PRESCOTT—I have been charged with malevolence towards Mr. Prendergast. I know nothing about him. He is a stranger to me, and I have no malevolence towards him or any other citizen—but, on the contrary, entertain the warmest and most friendly feelings towards all whom I conceive to be supporters of the government. I confess I have hostile feelings towards those who are endeavoring to destroy this government. According to the evidence, I cannot, as a conscientious man, support such a claim, and in view of my obligations to the people of this State, it is my duty to oppose it—and I have performed that duty fearlessly, and shall continue to do so, without expectation of reward or fear of censure. We cannot produce the receipt of the gentleman for the amount of this appropriation, because the books of the auditor were buried by the rebels on the evacuation of Baton Rouge, and are so damaged as to be comparatively useless—but the appropriation bill is the receipt. If he had refused to receive that compensation, the question would be still open and his claim good. As far as the prescription law is concerned, I have read it carefully, and I consider that it is as applicable to a State as to an individual. I think that admits of no question at all. The remarks I have made with regard to changing votes—with the consent of the House—I withdraw. I do not wish to coerce gentlemen into doing their duty. Notwithstanding that, I trust the gentlemen—unless they are really convinced the claim is just, and where they find any such evidence I am totally at a loss to see—will not retrace their steps, but perform their duty faithfully and fearlessly.

MR. FOLEY—I believe the only question before the House is the justice or injustice of Mr. Prendergast's claim. In his petition, he states that he has advertised a list of delinquent tax payers to the amount of one thousand one hundred and fourteen squares, inserted twenty-six times, at one dollar per square for the first insertion and fifty cents for each subsequent insertion.

In looking over the proceedings of the Legislature of 1856, I find that the justice of the claim has never been questioned, and, by the evidence produced in the petition, it will be seen that the charges were not exorbitant, but were the same as made by every newspaper in the city. I do not see why gentlemen are opposed to having it investigated by the proper committee. It was once referred to the Committee on Claims; they reported favorably, although they did not properly investigate it; but, from the light thrown on the subject when it was before them, they reported favorably. Some of the members who opposed the bill after having reported favorably,

have expressed a desire to have the bill referred back to them for a full investigation. I would also state that I was informed by a gentleman connected with the True Delta, that when John McGinnis—and all will admit he is an honest and honorable man—was solicited to sign his name to the petition, he would not do it till he had the claim thoroughly investigated. It was investigated, and he signed his name to it, and I know he would never have done it unless he had been perfectly satisfied the claim was just.

Mr. MICHEE—I was chairman of the committee, and, having been a practical printer, and published a paper in the parish of Jefferson at the time this printing was done, I read the petitioner's paper, and saw the advertisements in it. I have investigated the claim, and I am perfectly satisfied that it is just and legal. The members of the committee who signed the report without being present at the meeting of the committee, did so voluntarily, and only one has asked to have his name withdrawn.

The motion to reconsider was carried—yeas 47, nays 20.

Mr. MEKEE—I move that it be referred to the Committee on Claims.

Mr. CHRISTIE—I move to amend by referring it to the Committee of the Whole, to be made the order of the day for next Monday.

Carried.

An act relative to district attorneys, was adopted on its second reading.

On motion, the rules were suspended to take up a bill relative to persons holding commissions in the so-called Confederate army.

The bill was read.

Mr. CHAMBERLAIN—I am opposed to the bill. It disfranchises a large number of the citizens of this State. Besides it is a mere nullity, because the next Legislature can repeal it if they choose. To be of force, it must be incorporated in the constitution, which it is not.

Mr. LEWIS—The gentleman says it disfranchises citizens—that is exactly the reason for offering it.

Mr. PRESIDENT—I think the bill is one of considerable importance. The men to whom it refers have forfeited all civil rights under the laws of this State and the United States. Missouri and several other States have passed such laws and I think there can be no question as to their propriety and justice.

These men have attempted to overthrow the general government and ruin our country, and have made a Sahara of what was once a blooming garden, and on their heads be the consequences. Many members of this House have suffered the loss of property and friends. Many have lost their lives in defense of the Union, and it is our business to punish those who have so grievously injured us. I think we have full power to take such action, and no person who has held any office under the Confederate government has any right to an office in this State, or take any part in the great government of our forefathers.

I do not think the bill evinces any intolerance on our part; it is simply an act of justice, in punishing those who have violated the laws of God and man. I am unchangeably in favor of all such legislation. I have prepared a series of bills which cover the ground not embraced in this act. I hope they will meet the favorable consideration of this House.

My hostility to this class of people can never die, and as Hannibal swore eternal hostility to Rome, so do I feel to the enemies of my country. We have an undoubted right to disfranchise them, and I think we shall perform a public duty in doing it fearlessly and openly. They are unworthy of our confidence who have attempted the overthrow of the government, and if we allow them to exercise civil rights, their efforts will tend to increase our difficulties, and revive the institution of slavery, and the status existing previous to the war. What leniency should we show them who have not only been guilty of the highest crime known in criminal law, high treason, but have committed robbery and murder, and conducted the war for a wicked purpose, in a manner which, in barbarity, would disgrace the savage tribes of Central America? I trust such an act will pass in this House, and in every other State, for we should not only punish them, but render them powerless in the future, and I see no other way of doing it.

MR. DEJEAN—I think the gentleman has taken a position which is inconsistent with the laws of the United States. He is in favor of depriving officers not only of the rights of suffrage, but of the right to hold any office under the State of Louisiana, who either voluntarily or through compulsion have taken an active part in this war. In military, as in civil government, there are several grades of office, and according to this bill, a first or second lieutenant in the Confederate army is forever precluded from holding any office under the government of the State.

MR. LEWIS—Not if he comes in and takes the oath by the first of May?

MR. DEJEAN—It makes no difference whether there is any time specified in the bill, and inasmuch as the proclamation of the President of the United States, dated December 8, 1863, extends to individuals who hold certain grades in the army of the Confederate States, how is it possible, I ask, for this House to take any steps or measures which would militate against the laws of the United States? The president in his proclamation specifies the grades of officers who are excluded from the amnesty proclamation; he also specifies those whom he is willing to include, and bestow pardon, on condition that they come within the Federal lines, and take the oath of allegiance. Can the Legislature of Louisiana, which is but an atom in the government of the United States, pass any law or bill whatever, which would conflict, in any manner, with the proclamation of the president, who, in his official capacity, and by virtue of the authority conferred upon him by Congress, represents the government of the United States? I say the position is preposterous and untenable. So far as the horrid nature of treason, the crim-

nality of the deed, is concerned, I will not differ with the gentleman, but I say it is beyond the scope of this Legislature, and beyond our power, to pass any law, precluding from the rights and privileges of citizenship those who are now in the service of the rebellion, and who are not precluded by the proclamation of the president of the United States; that would be a virtual acknowledgment of the sovereignty of the State—of the supremacy and power of this Legislature over the Congress of the United States. For the reasons which I have already stated, I hope the members of this House will take no favorable action on this bill, because I think it is diametrically opposed to the power of the president, vested in him by Congress, and any action on the subject, which we could take, would be an assumption of power which nothing could justify.

MR. CHRISTIE—I rise with feelings of considerable anxiety in regard to the passage of this bill. I am surprised beyond measure that the gentleman should oppose any enactment by which this State will send forth its fiat of condemnation upon those who have brought us to this deplorable state of society. It is idle to suppose that the government of the United States will take any action contrary to the State of Louisiana in regard to her loyalty. The gentleman may say, we count but as an atom in the general government, but these atoms make up the body politic and contribute to the support of the government, and I am opposed to giving these infernal traitors any rights under our State government in the future. There is nothing in this act but devotion to the interests of the country, and the general government will never prevent the State from taking such action. One gentleman asserts that a future Legislature will repeal such a law. They dare not do it, if it is once placed on the statute books. I am surprised that any gentleman should show that feeling of sympathy—that regard of friendship for these devils in human shape, who are still standing aloof from their duty to the State and the general government. Are such men any value to the body politic? They are joined to their idols and we had better let them alone. We do not want them; and the State will live and grow and prosper without them. This is one of the bills that ought to have been passed the first days of this session. The time for the lion and the lamb to lie down together, and a child to lead them, is not yet come. These lions of rebellion can be very well spared, and it is by such as this alone that we can reorganize a proper loyal sentiment in Louisiana. Let them come among us if they choose, if the general government gives them the privilege of remaining in the country, but I am opposed to their holding any office of trust and profit in the State. It is the duty of the people of this State to look well to their loyalty. We have treasonable corporations, schools and asylums. Everything needs reorganizing. The work must be carried forward, and this is only one of the measures by which we can attain the end, and I shall favor the passage of the bill.

MR. BROOKS—I am sorry to see any gentleman get up here and argue against the passage of such a bill as this. It is a bill we want to pass to punish these men for the high crimes they have committed—the crime of treason against one of the best governments that ever existed. It has been urged that it is unconstitutional. I think the constitution clearly defines the powers of the Legislature. Article 93 says: "Every person shall be disqualified from holding any office of profit or trust in this State, and shall be excluded from the right of suffrage, who shall have been convicted of treason, perjury, forgery, bribery, or other high crimes or misdemeanors." Can any gentleman get up in the face of this article and say that such a law as this cannot be passed by the Legislature of Louisiana? During the time of the old revolution, the same arguments used here were brought up in the different Legislatures in favor of men who had been guilty of treason, by those who were called tories. Must I say that gentlemen in this House, holding the same views, are tories—rebels at heart? I hope such is not the case; but this is a test question, that will define the position and sentiments of every member. It will show what you are, whether you are loyal to the government you have sworn to protect, or whether you are rebels at heart. Will you vote against a bill which gives the party time to come and take the oath, and only punishes him if he refuses to do so? We wish to encourage desertion from the rebel army, and any act having that tendency will be of advantage to the government, and should receive your support.

MR. MICHEL—I oppose the bill on the simple ground that there are many men holding commissions in the Confederate army who would return to us if they had a chance, but they are not allowed to leave.

MR. FRANKSON—The supporters of this bill wish to exclude those men who would be willing to come and take the oath of allegiance, and allow those who have come before the privilege of holding positions and voting. This is offering them no encouragement to return, and is far from holding out any inducement to deserters. I think the bill unwise and impolitic and shall vote against it.

MR. BOVKE—I shall oppose it because I believe it is a matter that belongs to the national government. Do you mean to tell me that because a man arrives here a few days before the first day of May, he should exercise the rights and privileges of a citizen of the State of Louisiana, and another man who comes in a few days later should be wholly debarred from the rights of citizenship? It would be an outrage on the citizens of this State, and I believe the members of this House will not vote for the adoption of any such measure. Many good men are in the Confederate army, not because they wish to remain, but because they are compelled to, so that it would be impossible for many to return within the specified time, who wished to do so.

MR. DUNNAN—I have listened to the remarks of several gentlemen, and at first I thought their intention was to discuss the merits and demerits of the

bill before us, but I see they have indulged in unjustifiable personalities, accusing members of this House, who differ with them in opinion, of sympathy with the rebels who are in arms against the government of the United States. I am opposed to the bill because I think it is not supported by any constitutional law of the United States, and for the reason that it is conferring upon the Legislature of the State of Louisiana a power which belongs only to Congress and to the president of the United States, by a special act of Congress. The gentleman would insinuate that, because I take a position contrary to his views, I am in sympathy with those who are in armed rebellion against the government of the United States. I am not actuated by any such motive, and only oppose the bill for the reasons already enumerated. One gentleman takes instances from ancient history to establish the point that we should not encourage those who have rebelled against us—that we should pass such enactments as will forever preclude them from holding office. He has never read history in that spirit which is necessary to investigate the motives of the different governments of antiquity in pursuing the policies they did. It has been asserted that it was the policy of the Romans to preclude the citizens of conquered provinces from the right of suffrage. I deny that such was the case; after a province was subjected, individuals were appointed to investigate the manners, customs and laws of such provinces, and to incorporate into the Roman jurisprudence such as would be conducive to the welfare of Roman people. It is the policy of the government of the United States not to exclude those who, in a moment of excitement or through ignorance have arrayed themselves against the government, but rather to receive them again when they have become convinced of their error. The proclamation of the president says that all those who do not occupy positions higher than a colonel in the land forces or captain in the marine, are entitled to the benefits of the amnesty proclamation, and can we pass a law diametrically opposed to the power specially vested in the president of the United States?

The admission of such a right, would be an acknowledgment of the supremacy of the Legislature of Louisiana over the government of the United States. Are the rebels in arms against us, in hostility to the States or the general government? They have declared themselves to be enemies, and thrown aside the allegiance which every citizen of the United States acknowledges, and are guilty of the crime of treason against the United States and not against the State as a sovereign power. The Legislature of no State has the right to pass a law which would not only conflict with the proclamation of the president and the power of Congress, but with that duty and allegiance which every one owes to his State.

MR. H. C. BELDEN—As to the principle of this bill, I wish the House to understand that I am in favor of it, but I deem the passage of such an act by a State Legislature illegal and unconstitutional. It is something for Congress to

not upon, and not the local Legislatures of the different States. I do not think there is a member of this House who seriously sympathises, in any respect, with the rebellion, and I believe that men who have raised their hands against this government, the best that was ever devised, should not be entitled to hold office either in this or any other State of the Union. Therefore, I am in favor of the principle of this bill, although opposed to its adoption in this Legislature.

On motion, the House adjourned until 12 m., Tuesday, February 28th.

TUESDAY, February 28, 1865.

The House met at 12 o'clock m., pursuant to adjournment.

MR. CREIGH—I move to adjourn.

Carried by a rising vote of 30 yeas.

The House then adjourned until Wednesday, March 1st, 1865, at 12 m.

WEDNESDAY, March 1, 1865.

The House met, pursuant to adjournment.

A communication was received from Mr. I. N. Marks, president and grand marshal of the fire department of New Orleans, inviting the General Assembly to participate in the celebration of the firemen, on the 4th March, as follows:

FIREMEN'S CHARITABLE ASSOCIATION OF NEW ORLEANS,

SECRETARY'S OFFICE, NEW ORLEANS, February 28, 1865.

To the honorable the House of Representatives of the General Assembly of the State of Louisiana:

GENTLEMEN—In behalf of the Fire Department of the city of New Orleans, in the celebration of its 28th anniversary on the ensuing 4th of March, I respectfully request that you will honor the procession with your presence, and witness its formation and march, say from the Clay statue, on Canal street. The line will move down Royal street precisely at 10 o'clock A. M. The route is published in the daily papers.

Your obedient servant,

(Signed)

I. N. MARKS, Grand Marshal.

Invitation received and accepted.

Mr. Chamberlain presented the following joint resolution:

Be it resolved by the Senate and House of Representatives in General Assembly convened, That Major General Hurlbut, Commander of the Department of the Gulf be, and he is hereby invited to be present at the inauguration of Governor Wells, on Saturday, the 4th inst. and that he be requested to address the General Assembly in joint session on that occasion, if compatible with his duties and consistent with his inclinations, and that a joint committee of five members, on the part of the House, and — on the part of the Senate, be appointed to wait on our worthy Commanding General, and to serve a copy of this resolution and invite his attendance.

First, second and third readings and passed, and sent to the Senate for concurrence.

Whereupon, the speaker appointed the following members on said joint committee : Messrs. Chamberlain, Brooks, Corley, Michel and Poynt.

The following petition and resolution relative to the clerks of the Committee on Banks and Banking, was presented :

To the honorable speaker and members of the House of Representatives of the State of Louisiana :

Whereas, The efficient clerks of the House Committee on Banks and Banking, Messrs. Andrew Jones and W. A. Valloft, having performed, during the session of this House, a great amount of work, in addition to the work properly belonging to them, as clerks of the above committee ; and

Whereas, They have ever been ready to perform any and all duties, when requested to do so, and have for that purpose never failed to be in attendance since their appointment ;

Be it resolved, That the warrant clerk of this House be and the same is hereby ordered to draw a warrant in favor of Messrs. Andrew Jones and W. A. Valloft, to the amount of one hundred and fifty dollars each, in compensation for services rendered.

D. CHRISTIE,
R. M. MILLER,
W. R. MECKS.

Adopted.

Mr. Baum presented the following petition relative to the Provisional Court of the State of Louisiana :

Whereas, The president of the United States did, on the 20th of October, 1862, constitute a "Provisional Court" for the State of Louisiana, and appointed Hon. Charles A. Peabody, of New York, the judge thereof, with power to appoint a prosecuting attorney, marshal, and clerk of said court ;

Whereas, The appointment of said judge according to his commission, was intended to be temporary, and was not to continue beyond the "restoration of civil authority" in the city of New Orleans and State of Louisiana ;

Whereas, Since then the president has constituted the regular constitutionally recognized federal courts in this city, which are now in active operation, and the people of this State have formed a civil government, which has been encouraged and recognized by the president ;

Whereas, There no longer exists any necessity for said "Provisional Court," and its continued existence gives rise to many difficult questions of a conflict of jurisdiction ;

And whereas, The best lawyers in the country deny the constitutionality and legality of said court ;

Resolved, That the president of the United States be respectfully requested to withdraw and abolish said court.

JOS. G. BAUM.

On motion of Mr. Meeks, the petition was referred to the Committee on Federal Relations.

Mr. Meeks presented the petition from J. M. Pinniger and John McLean, as follows :

To the honorable the Senate and House of Representatives of the State of Louisiana :

The petition of J. M. Pinniger and of John McLean, loyal citizens of the United States, residing in New Orleans, humbly sheweth :

That your petitioners made repairs and furnished materials upon the

steamboat Algerine, belonging to the State of Louisiana, and employed as a dredging boat in clearing out and deepening the bayous of the State, under the direction of the chief engineer and of the board of public works of the State, in the year 1861, according to the bills hereto annexed, amounting to the sum of \$6872 36, (six thousand eight hundred and seventy-two dollars and thirty-five cents) viz: \$5727 to your petitioner, J. M. Pinniger, and \$1145 to your petitioner, John McLean.

And petitioners pray that the said claims may be allowed and paid them, as for works of public benefit, done by order of the competent State authority.

And as in duty bound, will ever pray.

J. M. PINNIGER,
JOHN MCLEAN.

Sworn to and subscribed before me this, the first day of February, 1863.

SAMUEL MYERS,
Second justice of the peace, parish of Orleans.
ENGINEER'S OFFICE, BOARD OF PUBLIC WORKS,
BATON ROUGE, LA., Feb. 25, 1861.

SIR—You will, on the receipt of this, take your boat to the Pelican Dry Dock, at Algiers, for such repairs as she may need.

You will keep every hand on board while the boat will be afloat, and give notice by telegraph of your arrival at Algiers, and also of the day you will enter on the dock.

Keep only on board what will be strictly necessary, and only one skiff, the best you have.

By verbal orders, you were directed to take down your crane; you will take the measures of the timbers thereof, which may have to be renewed, so that you may obtain them from the dock saw mill.

Further orders will come in due time.

Yours, respectfully,

L. FREMAUX,
Chief Engineer.

Capt. J. T. Hanlon, State Boat Algerine, Plaquemine.

Mr. Chamberlain moved to postpone the action on the petition until the bill be read to the House. Carried.

Mr. Dejean, chairman of the Committee on Judiciary, presented the following report:

To the honorable speaker and members of the House of Representatives of the State of Louisiana:

GENTLEMEN—The undersigned, on behalf of the Judiciary Committee, beg leave to report back favorably, and recommend the passage of an act relative to justices of the peace of the parish of Jefferson, and also, an act to regulate the fees of justices of the peace and constables throughout the State.

(Signed)

JULES DEJEAN, Chairman.

Report received and adopted.

The following members gave notice of their intention to introduce bills:

Mr. Christie: "A bill to provide for the election of governor and lieutenant-governor of the State of Louisiana, in certain cases."

Mr. Danel: "An act entitled an act to organize the State land office."

Mr. Bovee: "Joint resolution relative to the adjournment of the General Assembly for sixty days from the 4th day of March, 1863."

Mr. Michel moved to suspend the rules to take up a bill relative to justices of the peace for the parish of Jefferson.

Rules suspended and bill put on its second reading and adopted, and ordered to be engrossed for a third reading.

Mr. Brooks moved to suspend the rules to read the bill a third time.

Rules suspended and bill read a third time by title, and passed with title.

Mr. Breckenridge moved to suspend the rules to take up an act to provide for the care and safe keeping of the grounds and property of the late capitol of the State of Louisiana, at Baton Rouge.

Rules suspended and bill put on its second reading, adopted, and ordered to be engrossed for its third reading.

Mr. Breckenridge moved to suspend the rules to put the bill on its third reading.

Rules suspended and bill put on its third reading.

Mr. Chamberlain moved to fill the blank with \$1200, and insert "on his own warrant."

Mr. Todd amended to \$3000.

Mr. Baum moved to table Mr. Todd's amendment. Carried.

Mr. Badger amended Mr. Chamberlain's amendment to \$1000. Amendment accepted, and Mr. Chamberlain's amendment adopted.

Bill adopted on its third reading as amended, and passed with title.

"An act to grant pension money to the colored veterans of 1814 and 1815," was read the first time and adopted. ✓

"An act granting to John A. Nollly the privilege of keeping a ferry across the Mississippi river, at the town of DeSoto," was read the first time.

Mr. Michel moved to reject, on account of exorbitant charges. Carried by a rising vote of 24 yeas and 19 nays.

"An act for the relief of J. M. Pinniger and John McLean," was read the first time and adopted.

The rules were suspended and the bill put on its second reading, and

On motion of Mr. Seymour, referred, with petition, to the Committee on Claims.

Mr. Michel moved to suspend the rules to take up "An act for the relief of James Wood, owner of the steamer G. W. Forrest."

The rules were suspended and the bill read a second time and referred to the Committee on Claims.

Mr. Chamberlain moved to suspend the rules to take up a bill to allow the testimony of interested parties to be taken in civil cases. Lost.

"An act relative to persons holding commissions in the so-called Confederate army," was read a third time.

The discussion of the bill relative to persons holding commissions in the Confederate army, was resumed.

Mr. Brooks offered the following rider :

Provided, That this act shall not be enforced against those who can prove, by two lawful witnesses, that they voted for, and supported the Union cause at the election for representatives to the convention held at Baton Rouge, in January, 1861.

MR. CHAMBERLAIN—The question is on the rejection of the whole bill, and we propose to discuss the question on its constitutionality. There can be no diversity of opinion in regard to the principle involved in this bill. That man in the House who supposes that there is a member in it who could have any reasonable objection to the passage of such a bill, I was going to say, must be either a fool or a fanatic. He is certainly either the one or the other, because the principle involved is one every loyal man must approve, but at the same time, there is very positive and determined opposition on the part of members to the passage of that bill by this House, for this reason: we have no jurisdiction in the matter. The question before the House is one of power, not of principle. It is a question of jurisdiction only, and I believe I can convince every reasonable man in the House that we, as a local authority, can have no jurisdiction or power over national affairs. I reason, to define it, is a crime against the national government, and not against a State. It is a crime committed against the national authorities, and the State authorities have no jurisdiction in the matter, and can take no cognizance of it. There is no such thing as treason against a State. There is no law in the State for the punishment of treason. I would call the attention of the gentlemen to the constitution of the United States, section 10, article 3, which says: "No State shall pass any bill of attainder."

Now this bill is similar to a bill of attainder, if it is not one directly. A bill of attainder provides for the punishment of treason. As treason cannot be committed against a State, nor State authorities, such authorities cannot describe the punishment to be inflicted upon a traitor. Article 3 of the constitution of the United States expressly says that the Congress of the United States shall have power to declare the punishment of treason. Now I ask the gentleman if his bill does not cover the ground of the punishment of treason? Nothing else. It is contemplated to act as a punishment for treason. It goes further, and not only implies a punishment for treason, but a punishment for failing to take advantage of the amnesty proclamation of the president, previous to a certain day. As to its constitutionality, I have sufficiently proved that it would be contrary to the constitution of the United States. Let us see what kind of a conflict it would create between the State and general government, if we should undertake to legislate upon this matter. The punishment of treason being a national affair, interference on the part of a State government would be directly declaring and carrying out of the doctrine of State sovereignty, because it allows the State to legislate, to interfere, and to dictate, in fact, in regard to affairs purely national, which it cannot do. This bill goes so far as to actually override the proclamation of

the president, who is the mouthpiece of Congress. The proclamation says full pardon shall be granted to all political offenders, upon the condition of their taking the amnesty oath. It does not say before what time. It sets no limit; but this bill comes in, and claims for Louisiana the right to say who shall be admitted to that pardon. Is not that an assumption of power?—a declaration that this Legislature is superior to the proclamation of the president? If the president says to a man, next June I fully forgive you for having been a traitor, and will reinstate you in all the rights, privileges and immunities which you enjoyed previous to the commission of your offence, is not that full and ample? But the bill says, you shall not take advantage of that pardon; the punishment of your offence shall be, in spite of President Lincoln's pardon, the forfeiture of all right to hold any office of trust or profit. Is not that a direct conflict between the two powers? That you cannot commit treason against the State, is shown by the fact that there is no law that takes cognizance of it and no State court that can try a traitor. Treason is not similar to offences that may be committed against the State. Murder, arson, etc., are crimes which may be committed against the peace and dignity of the State, and for that reason the governor can pardon such offenders, but he cannot pardon a traitor, because his offence is committed against the national authority, and not against the State. The proclamation of the president extends pardon to all upon a certain condition, and if persons comply with that condition, they are undoubtedly entitled to all the rights, privileges and immunities which they enjoyed previous to the commission of their offence. This question has been agitated in Congress. The committee on the reconstruction of States, reported a bill in Congress authorizing the State of Tennessee to incorporate in its constitution, which is the organic law of the State, this provision, "that no one shall hold office or vote who has held a commission in the Confederate service." As a matter of course, that State has power to act on that question, because it has received permission from Congress, the supreme power of the land, and the Legislature incorporated that provision into the organic law. It seems to me, that there are persons in this Legislature who, because they occupy the place of representatives of the people, suppose their power is unlimited. That is simply ridiculous. The constitution of our own State and the United States are the guides by which we are to be directed, and if we go beyond their provisions, we transgress the supreme law of the land, and our act is null and void.

MR. BROOKS—The gentleman denies the jurisdiction of the State, in regard to disfranchising certain parties; but I think our constitution gives us full jurisdiction in this matter. Article 15 says: "The Legislature shall have power to pass laws extending suffrage to such other persons, citizens of the United States, as by military service, by taxation to support the government, or by intellectual fitness, may be deemed entitled thereto." If the State

has power to franchise citizens, I consider it has equal power to disfranchise them. Article 87 says : " Judgments in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under the State ; but convicted parties shall nevertheless be subject to indictment and punishment according to law." They are disqualified from holding office, and, if I understand the nature of this bill, it is to disqualify certain parties from holding office, and keep them out of power in the State. If these men had not been in power before the war, we should never have had this difficulty, and now we want to enact such a law as will prevent them from assuming power again, and creating discord and trouble. The gentleman talks of treason, but there is nothing in the bill convicting parties of treason. It merely disfranchises or prevents certain persons from holding offices. Treason against the United States is an offence against every part of the country, and against this State, and is considered such. A bill of attainder is one that prevents the heirs of persons convicted of treason from enjoying the rights of heirship. This bill has no provision of that kind. I contend that this bill does not conflict with the proclamation of the president. The State has certain powers, and the president issued his proclamation for a particular purpose, at a time when it was necessary to do so. After its mission is accomplished, we can act as though it never existed. I hope gentlemen will consider this matter well, for the relations existing between the States and the general government are very peculiar ; but I think the passage of this will violate no provision of the constitution. I trust the amendment or rider I have offered will be favorably received.

MR. CHRISTIE—I have no particular objections to the rider, and it seems to me this is a plain and simple question. The idea that gentlemen have intended to convey in regard to the unconstitutionality of any act, on the part of this State, to punish those who have acted with violence towards the people of this State, seems to me to be perfectly absurd. There is nothing in this bill that pretends to interfere with, or conflict in any manner with the constitutional provisions under which we live as a State, but there is something there that is intended to reach those who have acted wrongfully towards the people of the State of Louisiana. We have a right to punish those who have committed crimes and misdemeanors in and against the State. Shall these parties who have annulled, as they have done, their rights of citizenship, and destroyed the interests of the State, be awarded a premium and commended for their proceedings? I trust not, and I hope the time has come when a proper punishment will be meted out to all such persons. The gentleman tells you there is no such thing as treason against the State ; but I differ with him and believe that there not only is such an offence, but that States have a right to punish the offenders. Article 18 of the constitution says : " No pauper, no person under interdiction, nor under conviction of

any crime punishable with hard labor, shall be entitled to vote at any election in this State."

That recognizes the principle of interdiction and punishment for crime. Article 91 is directly to the point and says: "Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court." Here is a constitutional provision under which treason against the State can be punished, and the Legislature is the proper power to decide upon this punishment. Yet, notwithstanding all this, we are told there is no such thing as treason against a State. In article 93 we are told that "every person shall be disqualified from holding any office of trust or profit in this State, and shall be excluded from the right of suffrage, who shall have been convicted of treason, perjury, forgery, bribery or other high crimes or misdemeanors." Are these men who are holding commissions in the Confederate army and taking the lives of your friends, the soldiers of the Union, committing no crime? I think they are, and I believe it is within the jurisdiction of this House to prescribe the degree of punishment.

The constitution says: "All penalties shall be proportioned to the nature of the offence." Is this punishment unusual, harsh, or unfeeling? I think no gentleman will assert that it is. We have been told that such action will interfere with the proclamation of President Lincoln. I do not believe there is a loyal man in Louisiana that would, for any consideration, attempt to interfere in this respect. We are not here to oppose the president, but to defend the interests of the people of Louisiana, and prescribe laws for offences committed by the sons of Louisiana, and not to interfere in any manner with the proclamations of the president. We all know what these are; they are absolutely necessary war measures, and their effect ends with the war. Whenever peace is declared, and the traitors submit to the power of the authorities, then the power of these proclamations will cease. I think the State of Louisiana should take some action to prevent treason from distracting our country again—some action by which the loyalty of Louisiana will be unquestioned in the future. The gentleman tells you this treason is a matter of momentary excitement and impulse. That is a most erroneous idea. Treason has been fostered and educated for thirty years, and has been disseminated broadcast through the land, and you all know to what it has brought us at last. Shall we decide that we ought not to take any steps by which to guard against it in the future? or shall we legislate in such a manner as to bring about not only a reorganization of the State government, but of society generally? I have told you that your colleges, schools and academies were the nurseries of treason, and now let us adopt some measure by which this pernicious influence will be counteracted. Will you let these men go free and unpunished, who are the declared enemies of the govern-

ment?—who would cut your throats in this hall, were they here to do it? They have annulled all the rights of citizenship, and have no claim on the country they have attempted to ruin. Instead of opposing this bill, I would go farther, and disfranchise every infamous scoundrel who opposes the reorganization of government in our midst. Our papers are full of false and slanderous articles, pandering to the appetite of treason. I do not think the members of this House deserve this amount of abuse for their efforts to effect the reorganization of society in Louisiana.

To conclude : my feelings are in favor of this bill, and I shall vote in favor of it; and I believe that the members of this House, in taking the same course, will only do themselves justice, and do their duty to the State and general government.

MR. WATKES—I move we adjourn.

Lost.

MR. PRESCOTT—I do not intend to detain this House long, and shall confine myself to the consideration of the legal bearing of the question.

Most of what I have heard I consider mere declamation, and of no effect in arguing the real points of this bill. I do not apply this remark to the gentleman who first addressed the House, (Mr. Chamberlain,) and I agree with him fully, with the exception of his position that treason cannot be committed against a State. I hope to disprove that. The question is one that cannot be settled by mere declamation, assertions or expressions of opinion. It is purely a legal question, involving the concurrent jurisdiction of the United States, and this or any other State. During the revolution, all the States had power to punish treason, and did pass such laws. The United States never confiscated any property, but proceeded against the lives of individuals—the power to disfranchise being held by the States. An examination of the statute books of New Jersey and other States will furnish the proof of this statement. The decisions of the Supreme Court of the United States show that at that time the States possessed this power, and exercised it to the fullest extent. The question might arise, whether this authority was not derived from the articles of confederation. I do not consider these articles of confederation abrogated by the constitution; but that is not the question to discuss now, for we are acting under the constitution, and not the articles of confederation. I must take exception to the remark, that a person cannot commit treason against a State. The decision of the Supreme Court in relation to Gov. Dorr, of Rhode Island, shows conclusively that treason can be committed against a State. But the only question that can arise is this: Have we authority to punish treason? I think it necessarily follows, that this State and the United States have concurrent jurisdiction, but the United States being the superior power, Congress is superior to this Legislature, and consequently the power which might be exercised by this State, is prohibited by the same power granted to Congress. This is really

the only question involved in the discussion. I could read numerous decisions of the Supreme Court to show the superior jurisdiction of Congress over the State Legislatures.

The right to legislate in this matter is granted to the State, but the same power is granted also to Congress, and wherever they would wish to exercise that power concurrently, the power of the State must yield to the United States, and cannot be exercised, because the right has been previously exercised by the United States. Our exercise of that power is forever prohibited, at least until the United States shall withdraw the power used in the premises.

That it is necessary to take action in this matter, I firmly believe. The report of the committee on the rebellious States in Congress throws some light on the subject and suggests the course to be taken. Let us legislate in a proper manner, in conformity with the laws already made and provided in this State, and not pass any act that will be in conflict with the government of the United States. No matter how correct they may be in principle, or desirable in effect, still if they do not strictly conform to the constitution of the United States, and the acts of Congress, they are nullities to all intents and purposes. The difficulty might have been avoided if the gentleman had brought in a bill providing that all persons who are convicted of treason in any court of the United States shall be disfranchised, and prevented from holding office. Such action would be perfectly legal, and if this bill is rejected, I hope a bill of that nature will be brought in, for it would be constitutional. I admire this bill in principle, but it would be a mere nullity, and I think it inexpedient to advocate its passage.

On motion, the House then adjourned until 12 m., Thursday March 2d.

THURSDAY, March 2, 1865.

The House met pursuant to adjournment.

Mr. BOVEE presented a resolution setting forth the embarrassment of the present position of affairs, and calling for an adjournment on the 4th instant, until the 1st of May, proximo.

MR. BOVEE—Mr. Speaker: Although many members have been accused of insincerity for offering motions for an adjournment, I beg leave to state my firm conviction, that a temporary adjournment, until we can ascertain the position of the State as regards the Union, would be for the good of all concerned. After learning the exact position which we are, at Washington, regarded as holding, I think that we would then work with a will, and accomplish much more than in our present condition we can. In fact, I think that we are now proceeding with a great deal of indifference and with very little benefit to the State.

MR. PRESCOTT—Mr. Speaker: I am most emphatically opposed to an

adjournment for any length of time. We have an herculean task to accomplish in revising the entire system of State laws, which are now based upon the right of property in man. Then I declare, it is not safe by any long adjournment, to run the risk of our not being able to meet again, which an epidemic, for instance, might prevent.

Perhaps an adjournment for, say twenty days, would be a good idea, recruiting us, as it would, and enabling us to pursue our great work in the manner which it should be performed, and as I am confident there is ability enough in this House to perform it.

MR. LASTER—I move to reject the resolution.

The motion was carried—yeas 42, nays 35.

Bills were introduced as follows:

MR. LASTER; An act to revise and renew the charter of the Southeastern Railroad Company.

MR. BROOKS: An act to define and punish treason against the State of Louisiana; also, an act for the confiscation of certain estates in the State of Louisiana.

The following bill was read once:

An act to provide for the election of governor and lieutenant-governor in certain cases.

Adopted on first reading—the rules having been suspended and then withdrawn on second reading, by permission of the House, as it was found that the cases contemplated had already been provided for.

A motion to suspend the rules and take up the bill for the relief of Dr. P. Yeizer was lost.

MR. MICHEL—I move a suspension of the rules to take up the bill for regulating the fees of justices of the peace and constables throughout the State.

Motion carried.

MR. H. C. BELDEN—I move the bill be rejected.

A motion to table the motion was lost.

MR. H. C. BELDEN—I moved the rejection of the bill, Mr. Speaker, for the reason that I believe the fees attempted to be established are exorbitant, and also for the reason that I believe it to be framed by those who have no faith in the present currency, or who wish to depreciate it, and postpone the collection of these fees until gold and silver are again the circulating medium. More than all this, I think that there is an unfair discrimination in regard to the fees of gentlemen of the respective professions of the city and country.

MR. MICHEL—It seems to me, Mr. Speaker, that the gentleman might have thought of some of these objections when the committee, of which he was a member, debated the bill before reporting on it.

I have nothing to say about his "currency" ideas—they are not worthy of

any answer. As for differences of fees, I wish only to state that they are substantially the same as those adopted in 1855, by law.

The motion to reject the bill was lost, whereupon it was adopted on second and ordered to be engrossed for a third reading.

Mr. MICHEL—I move to reconsider my vote on the rejection of the act granting to John A. Noilly the privilege of keeping a ferry across the Mississippi river, at the town of DeSoto.

A motion to table was lost, and the original motion thereupon carried.

A joint resolution requesting senators and representatives in Congress to use their influence for the re-establishment of post-offices throughout Louisiana, was adopted on first reading.

An act to organize the State land office, was adopted.

The discussion of the bill providing for the disfranchisement of certain officers in the military service of the so-called Confederate government was continued.

Mr. LASTER—I do not understand how it is possible, Mr. Speaker, for gentlemen to think of passing this bill in view of the recent amnesty proclamation of President Lincoln, and in view of the fact that many, very many, entered the Confederate service, swept away by the enthusiasm of the moment, who are now detained therein against their will.

Mr. H. C. BELDEN—Mr. Speaker: I must say something against this bill, which I conceive to be unconstitutional, and not able to bear full discussion.

I conceive this to be a national and not a local question, for the reason that by a popular vote the citizens of this State declared it out of the Union, and abrogated the then existing State Government; and this being the case, it was impossible for them, in a legal point of view, to have committed treason against themselves by so doing. The United States then subjugated such a sufficient portion of this State as to permit that civil government which was in force at the time of secession to be established anew under its protection. The offence was then committed in the first place against *national* authority, and that continued offence is now being perpetrated against the *same authority*—not against the *State of Louisiana*.

It is therefore the United States which must deal with these traitors, and not this State. Abraham Lincoln, as commander-in-chief of the army and navy of the United States, has already issued his amnesty proclamation, and if we pass this bill to-day, we virtually disregard his authority, and vote not to respect the acts of him who has been justly styled the "saviour of the American nation." [Applause.]

I am in favor of the principle of this bill, and would not, had I the power, permit one of those who have engaged in this fratricidal strife to again be able to precipitate us into so direful a strife [applause], but must vote against this bill, because I believe it to be a proper subject of legislation for the national Congress only.

MR. S. BELDEN—Mr. Speaker : I am in favor of the principles of this bill, but believing that the bill is contrary to the policy of the executive, who must have had better advantages of counsel and opportunities for investigation than we can, I shall vote "No."

MR. WOODWARD—Having fought these traitors in the field, I fight them still, and shall vote "No." [Great applause.]

MR. LEWIS - Mr. Speaker : Those who accept a commission in the rebel army are required to take the oath of allegiance to the so-called Confederate government ; in doing so, they renounce allegiance to all other governments, particularly to that of the United States, and of course to all the States and all the people which constitute that government, thereby voluntarily renouncing all their rights as citizens of the United States, as much so as if they should go to England and become subjects of Queen Victoria, though they do not invalidate the right of the general government of the States to punish them for treason, or any other crime. It matters not by what name you may call this act of holding a commission in the rebel army. I care not whether you call it treason or not ; (the bill under discussion says nothing about treason ;) but it certainly is a high crime for an American to bear arms against the State, and our constitution declares that any person guilty of a high crime cannot hold office in the State. How will gentlemen, with all their oratorical powers, overcome this naked fact ? They admit that the constitution of Louisiana does not conflict with that of the United States. They admit that it is a high crime to hold a commission in the rebel army. They admit that the State can punish for the commission of a high crime, but they deny the right of the State to withhold from rebel officers the privilege of holding office under a government which they have voluntarily renounced, and against which they are this day bearing arms. Was ever such an absurdity heard of ? One gentleman, who first favored this bill, but who, it appears, has new light on the subject, refers you to a proposed act of Congress, admitting the State of Tennessee to her rights in the Union, provided she incorporates in her constitution a provision excluding from the right of suffrage all rebels above the rank of colonel. Let us suppose that Tennessee goes farther than Congress does, and passes a law excluding all rebels, does the gentleman believe that that would conflict with the act of Congress ? Does the act declare that the State of Tennessee shall exclude all above a certain rank, and *shall not* exclude all below it ? The State of Tennessee, or the State of Louisiana, has the right to declare who are eligible to offices under the State, how long a citizen must reside in the State before he can hold the office of governor, or the office of lieutenant-governor, or any other office under the State, to pass any law not in conflict with the constitution of the United States, or the laws of Congress passed in pursuance thereof. Now, there is nothing in the Constitution of the United States, nothing in the laws of Congress, requiring us to grant the right of holding office to persons

guilty of high crimes, nor even to persons not guilty of any crime. Congress, it is true, may pass a law disqualifying certain persons for certain crimes, from holding office in any part of the United States, but can pass no law compelling a State to grant the right, this being a question to be settled by the State.

One of the opponents of this bill, stumbling about in the dark, becomes so thoroughly tied up in his own constitutional web, that in despair he appeals to the president's proclamation. That proclamation only pardons certain persons on certain conditions, and restores, or promises to restore their property. It does not proclaim who shall hold office in Louisiana or in any other State, for the president has no such authority. It is true, he may suspend the operation of a law, as commander-in-chief of the army and navy, for military reasons, in time of war; he may appoint a military governor over an insurrectionary State, but I deny his right to appoint a civil governor over a State, or to point out the qualifications of a governor or any other civil officer under a State. Some gentlemen in this House appear to imagine that because a State has no right to secede, it has no rights whatever, and that the president of the United States has unlimited power in civil as well as in military affairs, and that the people of the United States are his humble slaves; this is the opposite extreme of the absurd principles of ultra "State rights" men, and equally absurd, although openly advocated by gentlemen who call themselves freemen.

Mr. Speaker, the opponents of the bill before the House opened the discussion on a constitutional quibble; failing in that, they tried the proclamation quibble, and finally one of them offered a "rider" which, if adopted, would kill the bill.

They all tell us that they like the principles of the bill, that they hate those who have brought ruin on the country, &c., &c., but they conclude by telling us that they can't vote for the bill. This is what I would call damning with faint praise. I would much rather have their votes recorded in favor of this bill than to listen to their praise of its principles.

There is one other point in the assertions of these gentlemen. They tell us that it would be impolitic to pass such an act; but I tell you gentlemen, that if we do not restrain these leaders of the rebellion, they will next January occupy these very seats which you now fill—they will hold in their hands the reins of government—they will repeal your laws—they will take backward steps towards that barbarism to which the institution of slavery was fast dragging the Southern States.

But allow me to say that a "rider" cannot be entertained, and the speaker will rule it out of order, for rule 80 of this House declares that on any question of order or parliamentary practice, when these rules are silent or *implicit*, Jefferson's Manual or Cushing's work on Parliamentary Law shall be considered authority. Now, sir, our rules are not only *implicit* on the

subject, but silent, and we therefore must follow rule 115, page 159, of Jefferson's Manual, which reads thus: "No amendment, by way of rider, shall be received to any bill on its third reading." So much for the rider.

In conclusion, I must say that I have no respect for these eleventh hour men, who, because they know their cause to be hopeless, or because they have property in the Federal lines liable to confiscation, come sneaking back to take the oath of allegiance to a government which they hate in their hearts and ever will hate, if they live a thousand years. I have no love for the associates of Forrest, Quantrell, or Bill Anderson, who will one day hang Union men and the next day come into the lines and run for office, and, so long as I live, I never will, by deed or by word, directly or indirectly, assist in protecting the interests of these double-dyed traitors.

The bill was rejected—yeas 15, nays 46.

The House concurred in the Senate substitute for the House resolution inviting certain military officers of the department to be present at the inauguration of Lieutenant-Governor Wells as governor.

The House then adjourned until 12 M., of the 4th inst.

SATURDAY, March 4, 1865.

The House met, pursuant to adjournment, at 12 M.

At fifteen minutes past 12, the committee of arrangements cleared a passage for the gentlemen of the day; whereupon Ex-Governor Hahn entered the hall, escorting Lieutenant Governor Wells, preceded by his Honor the Mayor. General Hurlbut and staff entered at the same time. When all were duly seated, the rolls of both Houses were called. A quorum having been found to be present, the Senate, upon motion of Mr. Montana, adjourned until Monday, the 6th instant; whereupon, on motion of Mr. R. L. Brooks, the House adjourned until Tuesday, the 7th instant.

The exercises were opened by prayer from the Rev. Dr. Newman, who, in a few forcible and eloquent words invoked the divine aid for the ruler about to be inaugurated, returned thanks for our glorious victories, and earnestly entreated for peace.

Lieutenant Governor Wells was then duly sworn in by the Hon. E. H. Durell, and then delivered his inaugural address, as follows:

Fellow citizens In entering upon the duties of the executive office of my native State, I do so reluctantly, with experience enough, from the office I now vacate, to see the great difficulties which surround me in this most important trust. Although I have the good fortune to have the path in which I am about to tread, lighted by the successful services rendered by my talented and gifted predecessor, Governor Hahn, without pretensions to the confidence you may repose in him, I ask your indulgence for my errors, which will never be intentional, as no motives of interest shall lead me astray from the path of justice.

The great responsibility which must necessarily rest upon me in the con-

stitutional position in which I find myself placed, will require more skill and statesmanship to manage than you can possibly hope from me and unless, gentlemen of the Senate and House of Representatives, you give me your aid, counsel and indulgence, it may not be my good fortune to administer well the affairs of the State in this her struggle for civil liberty.

The obstructions to the full and equal operations of the revenue laws, caused by a state of war, the prostration of agricultural pursuits in some portions, and the diminution of the resources constituting the usual wealth of the State, must call the attention of the executive to the necessity of a judicious and rigidly frugal administration of every department of the government.

It will be one of my studied objects to discharge the duties of my office for the common good. To accomplish this, I shall attempt to call to my aid the best and ablest men of the State. It will, at all times, be a pleasant duty to receive the counsel of those who desire the advancement of the interests of the State government.

The intervention of military law may sometimes become necessary to carry out the national interest, which precludes at the present time the shaping of any policy on which I might think it my duty to administer the government.

I shall endeavor in all appointments to office to select honest and competent public servants, whose conduct of office will withstand the test of public scrutiny.

Senators, I leave you from no choice of mine, and take this occasion to return to you my thanks for your courteous and dignified attention to me as your presiding officer; and I sincerely hope that the Infinite Power which rules the destinies of man may guide you in your councils, that your measures may result in good, and return our people to friendship and peace.

Major General Hurlbut was then introduced by Hon. Michael Hahn, and after the applause had somewhat subsided, spoke as follows:

Ladies and gentlemen, fellow citizens all, members of this Legislature and State officers—all embraced, however, in the supreme title of American citizens—I congratulate you [applause]—I congratulate you that the first time I have had occasion to meet you is on this day, when after four years of most bitter war, the president elected by the people of these United States, under all constitutional forms, again assumes for another four years, by the voice of the people, his duties. [Applause.] It is wise and fit that while such an event is transpiring in our national capitol—the capitol of these United States, now and forever, one and indivisible—that this newly reconstructed State of Louisiana should, through its representatives and supporters, meet to install in office its Lieutenant-Governor, who, by operation of law and your constitution succeeds the former governor, removed to another place of larger influence in the national destiny. [Cheers.] I look back, as you will, upon the years that have passed since this war commenced, as a period of the probation and trial of this country. We are found passing through a baptism of fire, out of which the republic shall come up, I trust, washed of the gross and baser metal melted away and gone with scoria and slag, nothing being left but the pure gold, which shall fitly adorn the temple of the republic. It is among the lessons that this republic had to learn; it is among those difficulties by which Providence educates the people, that this war has come upon us. It has been to develop throughout the entire country, more fully, more completely and more absolutely, the sentiment of nationality. And here, gentlemen, speaking to the citizens of this State of Louisiana, allow me to say that the work of thirty years, distorting

the public sentiment into paths of wrong feeling, has got to be undone—undone by you. [Applause.] All of you know, who know anything about the history of the public men of the South during the last thirty years, that every appliance and means of influence that could be brought to bear—the press, the pulpit, the bar, the bench, aye, woman herself, and not the least by any means—have been brought in to educate and train up this people to the doctrine which lies at the very destruction of the whole fabric upon which our government rests. Taught—I know it—from earliest childhood to look upon their obedience and allegiance as paramount to everything else—all that has got to be unlearned, and if this war does nothing else, it will vindicate and sustain the supreme and permanent authority of the national government over everything else. [Applause.] The submitting to it in the regular constitutional exercise of its functions—before us, the nation—before the nation, nothing but God. These are among the duties which fall upon the citizens of the South; these are the special duties which are incumbent on those who represent, in legislative bodies, the reconstructed States of the South. These duties are paramount to all others. You cannot force a man, nor a woman, into loyalty, for loyalty is a sentiment, and one cannot be forced into it, any more than he can be forced to love his wife—and he is a great scoundrel if he don't do it. [Laughter and applause.] But you can educate the people—you can make laws which will distinguish between the one class and the other. You can furnish instruction, and, developing all these means and appliances, society can be organized on that basis. Then women and children can all take part in this great work which is to be done.

Now, some confusion, some mistake has occasionally occurred between the representatives here and the representatives of this State organization, and as I am one of those people who never deal in barren compliments, but speak the plain truth, I shall give you distinctly and briefly my own personal opinion about the rights of those two powers, and I am led to do so by an allusion which I caught in the address of the governor. All governments must have power. Power is an inherent idea. Power is involved in the very notion of government. A government without power ceases to be a government, and becomes just what the secessionists of the South insisted the United States were. That power in ordinary times is exercised by public opinion mainly. If it is necessary to take up some one who violates the law, as a dangerous member of society, the sheriff ordinarily does so; but when the danger becomes of such a magnitude as to be beyond the reach of this ordinary civil authority, then the military force of the country, which is nothing under heaven but the expression of the powers of the general government, developed in that channel, must take charge of such matters; hence all this idea of the anxiety supposed to be shown by military officers to interfere with matters that properly belong to others, is a mistake. The military authorities have all they can do to attend to their own legitimate business; but because there exists no other force competent to carry out the law, they do it. [Applause.] Whenever a force exists among your own people—whenever the old respect for law and the officers of the law returns—whenever your sheriffs can execute process in their counties without being sustained by the military arm—whenever this state of things comes to pass, none will be so glad to get rid of the burden and charge which are thrown upon them as the military officers who have command here; but until that time comes, from the very necessity of their position, they must see that some law, some security, some force is at hand that can keep things, at all events, tranquil and quiet. For example, this present organization, the

State of Louisiana, is an instance of the executive power of the president. As it now stands, that power is exercised through the military officers in command here. The Convention which organized this State in its present form, was called by military order, and derived all its power from the military. The funds that were turned over to the civil State officers, to be disbursed by the Convention and Legislature, are funds for which those parties are accountable to the United States, unless it is given up to them by the State. All these things then, so far as they are represented in your existence here, exemplify the executive part of our government, which operates through the military here. It may be—I trust the time will soon come, when accepting the constitution formed by this Convention, the deliberative portion of the government of the United States may recognize and ratify and put into full strength, extent and power, the expression of the will of the loyal people of Louisiana; but until that time comes—until that thing is done—I say it with all respect and tenderness to gentlemen occupying positions—you are as yet but the representatives and the creatures of whatever has been done by the executive power of this nation. I desire that this anomalous thing may be closed up as early as possible. I state it now, so that there never may be any misunderstanding, so far as I am concerned—if I should be compelled to hold much longer this position, with the control of the Department of the Gulf—what my personal views and opinions are about this matter.

Now a few words about your State. Let me call your attention to this fact: the resources of this State are infinitely reduced by the casualties of war. The commerce whose innumerable wheels used to vex the turbid current of the Mississippi, has passed away—the result of war. Plantations which used to bloom through your entire land, until the coast of Louisiana was a sort of a repetition of the garden of Eden, are now dismantled and broken down. Trade, commerce, everything crippled. Crippled, remember, in every instance where this has occurred, as the natural result of that deadly poison of secession which this people unwisely received and unwisely acted on. With all these things, this newly organized State of Louisiana has to confront difficulties such as never beset any community of men before. You have to create almost out of nothing. You have to make revenues where the taxable property of the State is reduced almost two-thirds. You have to hold the appliances and surroundings of government, and maintain them. All this you have to do out of a circumscribed territory and a broken-down country. Hence there is eminent practical wisdom in the suggestion contained in the address you have just heard, that the most rigid and self-denying economy should be exercised in all these relations which you hold to your fellow-citizens. Gentlemen, let me give you a few facts. The United States supports to-day 14,600 poor people here in the city of New Orleans. The same United States—this same military authority—is maintaining and keeping up to a great extent nearly every charity which belongs to the city or State. The levees, on which the life of your country depends, which from local causes cannot be repaired by the civil authorities, must be attended to by the United States, and the sum of \$160,000 is being laid out now by the United States, for the purpose of preventing this delta of the Mississippi from being subject to overflow. Now, in view of this state of things, if you desire to take these matters off the hands of the general government, look to it well that you have the means to carry out the necessities of the times, and the power to compel observance.

As to what will be the result of the deliberations of Congress, as far as this State is concerned, I cannot say, but I do know that nothing would more facilitate its recognition than a strict adherence to the principles of economy,

and the selection in all cases of the purest and best qualified men for carrying out the various duties cast upon you. This duty belongs to you, without any reference to interest. My position is simple. I know that this State, like others, is divided into factions, parties and sects. I know no party, sect or clique. I have nobody to advance, and nobody to put down. Every man is recommended to me simply by the position that he himself personally occupies, so far as I can ascertain, and every man loyal to the flag under which I serve, true and devoted to the cause of the Union, whatever he may be in his relations to society and elsewhere, meets me upon the broad platform of an American citizen, and is entitled to as much favor at my hands as any other man. [Applause.]

Let us hope, gentlemen, that the errors and shortcomings of the past are gone. Let us hope that, taught by the lessons of adversity, Louisiana this day, like other States, may set herself practically to work to redeem herself from the position in which she is placed. I shall look forward to it as one of the brightest days to be chronicled in the history of the Republic, when one by one these stars which have been torn from our galaxy, shall be restored to their proper places by the voluntary act of their people. Hitherto, as it is written in the Apocalypse, an angel fell from heaven, and took with him a third part of the starry host, so when the men in which this southern land reposed confidence—the arch-traitor Davis at their head, fell from the heaven of liberty—they drew with them more than one-third of the stars that emblazoned our galaxy. But the end of these things draws nigh, and the eternal truths which lie at the bottom of this contest shall reveal their fulfillment, and those who have led the country off into this disastrous warfare, must fall ere long, as did their prototype, into the bottomless pit which no man can fathom. [Applause.]

The first flag fired upon at Sumter has been restored to its place, and those who held Charleston and its garrison have fled at the mere tramping of feet one hundred miles away, of Sherman's army—show that the long desired consummation is not far distant. Thank heaven for that! This is carrying out the policy originally proclaimed by the president to restore our flag wherever it had been taken down, and to hold and occupy each and every place that belonged to these United States within our limits and borders.

Treason, it is fashionable for many people to consider as rather a venial class of offense; but presented to me, to my mind and education, it is the highest, gravest and most terrible in its consequences, of any crime that the human imagination, perverted by sin, can devise.

The man that attempts a robbery is infinitely more respectable in my eyes than the man who wilfully and deliberately attempts the life of a nation, and undertakes with his hands to roll back the very tide and course of time, and to cut off the glorious prophecies of the future, and to make barren and void all the suffering of the past—for such men and for such women I have but little toleration. For those who have either deliberately themselves gone into this war, or who have endeavored by more cowardly malice still to remain safely at home, while they forced others into the battle fields, I have no sympathy at all. [Applause.] For the misguided men, who, led away by a wrong doctrine, or by belief in the sovereignty and supremacy of a State, instilled into them by the example of those into whose hands they had committed their faculties, and stimulated by the various elements of society that have combined for that purpose—for such I have abundant toleration and great hopes. I look for the final breaking down of this rebellion, when these men in the South, who causelessly, and without any provocation, have been induced by other and designing men to go into it, shall discover their

error, and shall throw off the incubus that, like the old man of the sea, was riding them to the devil. These men will return; the laboring men will come back and occupy their appropriate position; they will come back to the flag under which they never suffered a wrong, and they will come back gladly, because they have tested the two. [Great applause.] Let us hope then, gentlemen, on this day for better things. Let us hope that out of the ashes beyond the flame of this great conflagration, reconstructed Southern society may rise as did the Phoenix of old, from its ashes, beautiful, young, strong, vigorous, hopeful. [Applause.]

Then we in the Northwest who claim this noble river that runs by your city—we, from whose mountain side and wild prairies comes the water that runs here, have followed it to its mouth; for we own the water and follow it where it goes (cheers), when a general feeling of nationality is established, then the recognition of the supreme power of the government of the Union may be a household word and tradition in all families and around all hearths.

This nation, tried by this fire, purified by this war, made strong by the sense of sacrifice—and nothing strengthens nations or men so much—will be ready to confront here, upon its legitimate dominion, whatever of the old world's sin or shame may undertake to break it up. [Applause.] It may be hereafter—it may not be so far from this very time, that, under one common banner, those who have fought antagonistically through this war will unite for the one common purpose of vindicating freedom throughout this entire continent. [Great applause.] For this work, for this purpose, we are all fellow-laborers, each in his place, like sentinels posted to preserve free and inviolate the great principles of human liberty declared in the American constitution. We are here to vindicate, wherever the flag floats, the sure and certain truth that none but freemen can live beneath its folds. [Applause.] We are here for that object. This severe process of war is but the very knife of the surgeon, to extirpate the cancer that was endeavoring to eat into the bowels of our body politic. We are here, all of us, to endeavor, with such ability and earnestness as we may devise, to carry out to the fullest and largest extent, the great principle of human freedom. [Applause.] When this is done, when that event shall have been accomplished, then, as one people, from the remote piney regions of Maine—from where the ceaseless surf beats upon Hatteras, around by the Gulf, across to the far West, where California throws open her gates of gold to the setting sun, the anthem will go up from all this people, "God save the American nation, the vindicator of human freedom." [Prolonged applause.]

The benediction was then pronounced by the Rev. Dr. Newman, and the ceremonies terminated.

TUESDAY, March 7, 1866.

The House met, pursuant to adjournment.

Mr. Foley presented the petition of Salvador Billaud, a veteran of 1814, asking for a pension.

The resolution was referred to the Committee on Militia.

MR. CHAMBERLAIN—Mr. Speaker: I wish to present a resolution setting apart Wednesday of each week for the consideration of bills on third reading, in order that we may accomplish some work. We can, under this bill, devote four days of the week to the consideration of bills on second reading

and devote one day to the clearing off of bills on third reading, which I think is little enough.

The resolution was read and adopted.

MR. PRESCOTT—I wish, Mr. Speaker, to present a resolution, by which a committee of three may be appointed to investigate certain recent transactions in the State treasurer's office, with power to send for books and papers. A few days ago there were eighteen thousand dollars in the treasury, which of course should have been appropriated to the payment of warrants of officers, members and employes of this House, but I understand that a single broker got eighteen thousand dollars, to the great detriment of the members of this House, some of whom were—I, at least was—treated with discourtesy. These speculators have been paying from twelve to twenty per cent discount on State warrants, and I think they can afford to wait some time. Whatever my suspicions may be, I prefer to call for a committee of investigation before expressing them at length.

The resolution was adopted.

MR. PRESCOTT—I now wish, Mr. Speaker, to offer a resolution instructing the sergeant-at-arms to procure copies of all the laws of the United States, enacted since 1859, and deposit the same in the State library for the use of the members of this House.

There are many bills which must come before this House, when it will be absolutely necessary to consult these works in regard to them, and gentlemen have, or I have, at least, found much difficulty in obtaining access to them.

The resolution was adopted.

Mr. Chamberlain gave notice of his intention to introduce a bill to submit the question of negro suffrage to the people at the next general election.

The joint resolution appropriating ten thousand dollars to the Charity Hospital, was adopted, when the rules were suspended and it was adopted on the second and third reading, with title.

Mr. Christie in the chair.

The rules were suspended and the House went into Committee of the Whole, on the act for the relief of J. C. Prendergast, whereupon that gentleman, having been duly sworn, testified as follows:

MR. BOVER—I would like to have the gentleman explain the nature of his claim.

A. The matter is so fully set forth in my petition, that every gentleman is conversant with it.

MR. PRESCOTT—How much did you receive under the appropriation bill of 1856, for seven thousand dollars?

A. I believe three thousand nine hundred and thirty-seven dollars.

Q. Where did you receive that money?

A. In New Orleans, I believe. I did not receive it; my book-keeper was the party.

Q. You had a legally authorized agent?

A. Yes, sir.

Q. Did he not sign a receipt for that money?

A. I was not aware, until lately, that a receipt was given; but the fact of its being paid supposes that.

Q. Did you or not give a receipt for that money, or did your agent do so?

A. I gave none.

Q. You received, in 1857, a subsequent appropriation of three thousand five hundred dollars. Did you give any receipt whatever, or authorize your legal agent to?

A. I suppose my agent receipted in both instances.

Q. We don't want suppositions.

A. My agent receipted in the first place, and I did myself, in the second place, I believe, but not in full.

Q. Was that a receipt in full?

A. No, sir.

Q. Did you apply to the Legislature of 1857 in person?

A. I can't recollect.

Q. Did you spend any money in procuring any recognition of your claim?

A. No, sir.

MR. FOLEY—Do you recollect of publishing, in 1855, the list of delinquent tax payers?

A. Yes, sir.

Q. How many squares?

A. 1114.

Q. How much did you charge for the first insertion?

A. Government rates at that day—a dollar for first insertion, and fifty cents afterwards.

Q. Were those the usual charges?

A. Yes, sir.

Q. You solemnly swear that you had the work executed?

A. I do.

Q. And that you have not received payment in full therefor?

A. Undoubtedly.

Q. And that your claim before this House is just?

A. I do.

MR. LEWIS—Are you an enemy of the Confederate States?

THE CHAIRMAN—I decide the question out of order.

MR. CHAMBERLAIN—Have you taken the oath of allegiance?

A. Yes, sir.

MR. DEJEAN—When did this claim originate?

A. In 1855.

Q. Have you received any payment?

A. Yes, sir.

Q. When did you receive the first?

A. In 1856, I believe.

Q. And the second?

A. In the year following, I believe.

Q. What was the first amount you received?

A. Three thousand nine hundred and odd dollars.

MR. CHAMBERLAIN.—Did you ever return to the Auditor a detailed statement of the State's indebtedness to you?

A. I presume my agent did.

Q. Did you draw these moneys from the treasury as a full remuneration?

A. Certainly not. I received them on account of the claim.

Q. How did you draw it?

A. My agent went and drew the money.

Q. How did your agent make his claim?

A. I don't know.

Q. You never made any specific claim for fifteen thousand dollars?

A. Yes, sir.

Q. You have those documents?

A. They are in the hands of gentlemen connected with the press.

MR. PRESCOTT.—Didn't the Legislature of 1856 appoint a committee of printers to investigate your claim?

A. I don't know. Didn't attend at Baton Rouge.

Q. Who is your agent?

A. Mr. O'Brien, my book-keeper.

Q. Have you any proof that you actually performed this work?

A. They are in the hands of witnesses here.

MR. BROCKENRIDGE.—What objection had the members of the Legislature of 1856 and 1857 to your claim?

A. I never heard of any.

MR. RIGGS.—Was a detailed account of this work given to the State?

A. Yes, sir.

T. S. MOORE having been duly sworn, testified as follows:

MR. CHAMBERLAIN.—How long have you been a resident of this city?

A. Twenty-three years.

Q. Do you know Mr. Pendergast?

A. Yes, sir. Have for the last twenty-one years.

Q. What is his business?

A. A practical printer; editor and publisher of newspapers.

Q. He was publishing a newspaper between 1850 and 1860?

A. He was publishing the "Orleanian" from 1855 to 1861.

Q. Do you know personally that he published the list of delinquent tax payers, in the year 1855?

A. Yes, sir.

Q. How many squares?

A. 1114.

Q. How many times were those squares published?

A. I don't know—was not working in the office.

Q. Tell me what it is worth to publish it once.

A. It has always been a dollar a suit on all papers I have worked on in New Orleans, for the first insertion and fifty cents for every subsequent insertion.

Q. You know it was published more than once?

A. I couldn't swear that it was published more than what is in this paper, but have no doubt it was published the requisite number of times, from what I know of the gentleman.

Q. You know how long it was usual to publish these tax lists.

A. Thirty days—thirty times I think was the law.

Q. You know that Mr. Prendergast received any remuneration for publishing these squares?

A. Nothing more than what was on the printed affidavit.

Q. You don't know of your own positive knowledge whether he was paid or not?

A. I couldn't swear to that.

Q. You know his character well?

A. I know him to be a man who is unimpeachable.

Q. Then you would believe him under oath or upon affirmation?

A. I would.

Q. And believe that what he has stated in his affidavit is true?

A. I do, sir.

MR. BROOKS—What is the difference between a "suit" and a "square"?

A. Some suits only make two lines, and a square eight or ten lines.

MR. FOLEY—Then a "suit" is less than a "square"?

A. It may be less or more.

MR. BRECKENRIDGE—Do you believe that the sum claimed by Mr. Prendergast was due to him?

A. I believe it is.

Q. Was it due at that time?

A. If he says so, it was.

Q. Do you believe this claim is due now?

A. I do.

MR. J. C. PRENDERGAST was recalled and examined as follows:

MR. PRASCOFF—Have you received your *pro rata* from the appropriations of 1856, on the bill passed for your relief, and have you ever since that time laid your claim before the State Auditor?

A. I am not aware that application was made to the Auditor. I was not the party that acted in it.

MR. PRESCOTT.—I want to know whether you made application yourself, or through your legally authorized agent, to the Auditor of State?

A. I presume my agent did. I made none myself.

D. D. O'Brien, being duly sworn, testified as follows:

MR. PRESCOTT.—Since the last appropriation act of 1857, for the relief of J. C. Prendergast, did you, as the legal agent of Mr. Prendergast, ever lay a statement of this claim before the Auditor of State?

A. Never.

MR. HARNAN.—Is it usual to present bills to the Auditor previous to presenting them to the Legislature?

A. I never knew that it was necessary to do it.

MR. CHAMBERLAIN.—How long have you done business in this city?

A. I suppose fifteen or sixteen years.

Q. Are you acquainted with Mr. Prendergast?

A. Yes, sir; since 1848, I think. I was his book-keeper for eight or ten years; from 1848 to 1857, I think.

Q. You know then the amount of his business—what business he was transacting?

A. I do, sir; better than himself.

Q. Do you know that he published in 1855 a list of the tax-payers for the Third District?

A. I do.

Q. How many?

A. There were more suits published than Mr. Prendergast charged for.

Q. As his book-keeper, it was your duty to make out bills against individuals?

A. Yes, sir.

Q. What was the amount of the bill you made out against the State?

A. The bill is here.

Q. The total amount of this bill is \$15,039. You swear that you presented this bill to the treasury department during 1856 and 1857, and received May 22, 1857, on account, the sum of \$3,937, and June 22, 1857, \$3,005?

A. The bill is correct.

Q. Leaving a balance of \$8,097 due?

A. Yes sir.

Q. You presented this bill and the money was paid on account?

A. It was embodied in the petition originally presented to the Legislature, in 1856, and the payments were made on it.

MR. LALOUE.—Did you present the claim?

A. I was sworn before the committee to whom the matter was referred. I cannot say whether I was present at the discussion. I did not know the forms

of the appropriation until I came before the treasurer, (Col. Marks,) when he told me it was necessary for me to sign a receipt. He remarked, the appropriation was made in full. I said I had no power to sign a receipt in full for Mr. Prendergast. I told Mr. Peralta that Col. Marks said it would not militate against Mr. Prendergast's claim hereafter. On their assurance that it would not prevent him from pursuing his just claim, I signed the receipt.

Q. Was the receipt in full?

A. I could not tell. I refused to sign it, and Col. Marks and Mr. Peralta assured me it would not militate against the claim of Mr. Prendergast.

MR. PEARSON—Did you sign for the amount received, or in full for the claim?

A. I signed for \$3009.

MR. BRECKENRIDGE—Did you present the bill to the Legislature of 1861 or 1862, at Baton Rouge?

A. No, sir.

Q. Was the claim presented?

A. I could not tell.

MR. BROOKS—Was application made to the Legislature for the payment of that bill after the year 1857, at any other time?

A. I left the employment of Mr. Prendergast about that time, and have no knowledge.

MR. J. C. Prendergast was recalled.

MR. BROOKS—I wish to know if any application has been made to any Legislature of the State of Louisiana, for the payment of that claim, since 1857?

A. Yes, sir. Mr. Leefe, I believe, presented it in 1858.

Q. Any time since then?

A. I do not know. I believe it was presented to the last Legislature.

MR. EGAN—Did you present it in 1860 or 1861?

A. Certainly not?

MR. FOLEY—I move the committee now rise and report progress.

MR. CHAMBERLAIN—I move that the committee rise and report favorably on the claim of Mr. Prendergast.

The motion to report favorably was carried—yeas 35, nays 25.

The committee then rose and the chairman reported favorably on the claim of Mr. Prendergast.

MR. CHAMBERLAIN—I move that the bill be made the order of the day for next Thursday.

Carried.

On motion, the House adjourned until 12 m., Wednesday, March 8.

WEDNESDAY, March 8, 1866.

The House met, pursuant to adjournment.

Pursuant to resolution offered and adopted, the House adjourned until the 10th instant, as a token of respect to the Hon. Francis Henratty, deceased on the 7th instant.

FRIDAY, March 10, 1865.

The House met, pursuant to adjournment, at 12 M.

The minutes were read and approved.

Mr. Laster offered a resolution relative to inquiring into the absence of Mr. Decker, which was adopted.

Mr. Chamberlain offered a resolution to pay the *per diem* of the late Mr. Henratty, during the balance of the session, to his family, they being left in a destitute condition.

MR. LASTER—I think notice should be given to the governor, so that a new election may be ordered. His successor will then receive his salary, and it cannot be paid twice.

MR. CHAMBERLAIN—The session is so near its close, that I hope there will be no necessity for a new election. If there is an election ordered, it will take twenty days, and before that time the session will be closed. It is our duty to provide for the member's family, which has been left in a destitute condition, as the resolution states.

MR. LEWIS—I would change the resolution so that the *per diem* may be paid until a new member is elected.

MR. FOLEY—The resolution is unconstitutional. Our constitution provides that members cannot receive their salary unless they are in attendance on the House. The auditor will not and dare not pay it. If gentlemen wish to do this family a service, let them subscribe for the purpose. I am willing to pay my portion, but I cannot vote for the resolution. I move to lay it on the table.

Carried.

Mr. Lewis offered a resolution to postpone action on bills of a private nature, until all public bills on the calendar are disposed of. Adopted.

Mr. Bovee's resolution relative to the House meeting at 10 A. M. instead of at 12 M., was lost—yeas 26, nays 28.

MR. MEEKS—I move that the House meet at 11 o'clock.

Carried—yeas 43, nays 19.

A resolution by Mr. Prescott, appointing a committee of three to investigate the affairs of the New Orleans Drainage Company, was adopted.

A report of the Committee on State Library, was adopted, and on motion of Mr. Christie, 150 copies ordered to be printed.

The following members gave notice of their intention to introduce bills:

Mr. Prescott: "An act relative to notes, bonds, mortgages and other obligations given for slave property."

Mr. Breckenridge : " A joint resolution requesting the governor to remove immediately all those who are now holding more than one office."

Mr. Bofill : " An act to provide for the revision of the statutes of the State of a general character," also, " An act relative to jurors in the parish of Orleans."

Mr. Bofill—I move a suspension of the rules to take up the bill to provide for the revision of the statutes of the State of a general character.

Carried.

The bill was adopted on its first and second readings, and referred to the Committee on Judiciary.

Mr. Bofill—I move a suspension of the rules to take up a bill relative to jurors.

Carried.

Mr. FOLEY—I understand the only change that has been made, is increasing the pay of jurors from one dollar and fifty cents to two dollars per day. I say neither sum is sufficient. I know from my own knowledge that a jury has been locked up since yesterday morning, and may be until to-morrow, and certainly two dollars a day is not enough. They are kept away from their business, and there are very few men, however unskillful, who cannot make three dollars. I therefore move to insert three dollars instead of two dollars.

Mr. Bofill—The act of March 14th, 1855, gives jurors throughout the State, the parish of Orleans excepted, two dollars per day. In the second week of our session we passed an act giving laborers upon our public works two dollars per day, and I think it is no more than right that when one of these men is called to serve on a jury, he should receive what he is allowed on his regular work. We have a jury locked up now in the First District court, and I have the key in my pocket, and they have been in my custody since yesterday morning at 11 o'clock, and I do not think two dollars a day is too much for such services.

Mr. BOVEE—I am in favor of the amendment, and I believe \$3 is none too much. It is a great inconvenience for many to serve, and in some cases they are liable to lose their situations. They are often obliged to remain in the jury room for a long time, and \$3 a day is little enough compensation.

Mr. HARNAN—I think the bill should be referred to a committee, and let them report to the House.

Mr. FOLEY—I do not see the necessity of referring the matter to a committee, for the only change that is made is increasing the pay of jurors, and the report of a committee could throw no light on the subject.

Mr. BOUDREAUX—I will support the bill, if it is made to extend throughout the State.

Mr. FOLEY—There is no objection to that.

Mr. Bofill—I have no objection to making it uniform throughout the State.

MR. LESTER—I move to lay the amendment of Mr. Foley on the table.

The motion to table was lost, and the amendment adopted.

MR. FOLEY—I move to insert "throughout the State," instead of "parish of Orleans."

Adopted.

The bill was passed as amended, and, by a suspension of rules, adopted on its final reading.

MR. TULLY—I rise to a question of privilege. As chairman of the Committee on Public Lands and Levees, I have received a communication from Governor Wells, relating to the land office, with the request that it be read by the secretary of the House.

The communication above referred to was read by the clerk.

MR. FOLEY—I move to refer it to the Committee on Public Lands and Levees.

MR. BOFILL—I move to refer it to a special committee of five.

MR. BOVEE—There is no need of referring it—it is addressed to the committee.

MR. CHRISTIE—I think an investigation should be made by the committee and a report made to this House, and I wish the committee to be specially charged with this duty.

MR. PRESCOTT—I believe there is a necessity for an immediate investigation into the affairs of the land office. I am convinced the most stupendous frauds have been perpetrated there, and I have no doubt that vast quantities of land have been sold at \$1 25 per acre, for which the State has only received 25 cents. I think, in justice to ourselves, the matter should be investigated.

MR. BOFILL—I withdraw my motion to refer to a special committee.

The motion to refer to the Committee on Public Lands and Levees, prevailed.

MR. TULLY—I move that Mr. Prescott be added to the committee.

Carried.

The order of the day was called for.

MR. FOLEY—The order of the day is the bill for the relief of Mr. Prendergast.

MR. LEWIS—I introduced a resolution, which was adopted, to postpone all further action on bills of a private nature.

MR. HARNAN—The claim of Mr. Prendergast was made the special order of the day for yesterday, but as it could not be taken up then, it should come up to-day.

The chair having decided, that under the resolution the bill could not come up, Mr. Foley appealed.

MR. CHAMBERLAIN—I sustain the decision of the Chair. The bill was made the order of the day for Thursday, and not for to-day. Unfinished business, in which the House was engaged at its last session, is the order of to-day.

Besides, the resolution adopted this morning provides that bills of a private character shall not be taken up.

The decision of the chair was sustained by the following vote—yeas, 25 ; nays, 11.

A call of the members was demanded, and there being no quorum present, the House adjourned until 11 A. M., Monday, March 13th.

MONDAY, March 13, 1865.

The House met, pursuant, to adjournment, at 11 A. M., Mr. Michel in the chair.

The roll was called, and there not being a quorum present, a motion was made to adjourn, which was lost.

A quorum having been obtained, the minutes were read and approved.

A petition from John Hoesch and wife relative to the adoption of a child, was read, and accompanied by an act relating thereto.

MR. CHAMBERLAIN—I am opposed to receiving it, for the reason that it is unconstitutional. Article 117 of the constitution says: "The Legislature may enact general laws regulating the adoption of children, emancipation of minors, changing of names and the granting of divorces ; but no special laws shall be enacted relating to particular or individual cases."

On motion, the petition was then rejected.

Mr. Galligar offered a resolution to rescind the resolution of Mr. Lewis, adopted on Friday, postponing action on private bills.

MR. LEWIS—I move to reject.

Lost—yeas 25, nays 37.

The resolution was then adopted.

Mr. Prescott offered a resolution rescinding the resolution fixing the hour of meeting at 11 A. M., which was adopted.

Mr. Seymour offered a resolution to appoint a committee of three to wait on the governor and request him to issue his proclamation for an election to fill the vacancy occasioned by the death of Mr. Henratty.

The resolution was adopted, and the chair appointed Messrs. Seymour, Chamberlain and St. Martin.

Mr. Van Tromp offered a resolution relative to money expended on the levees by the general government, requesting the Committee on Lands and Levees to report upon the matter, which was adopted.

The Committee on Printing submitted a report, which was received and adopted.

The Committee on Claims reported favorably on the bill for the relief of James Wood.

The motion to adopt the report was lost.

A motion to adjourn, was lost.

The bill for the relief of J. C. Prendergast was taken up.

MR. DEJEAN.—When this bill was introduced, a great deal of opposition was made by a few members, who pretended to have investigated the justice of Mr. Prendergast's claim. The evidence which has been introduced shows to every thinking man that this claim is founded upon every principle of justice. The State has been bound to a contract which has been proved, and yet we find opposition to the bill in this House. The original documents, containing a list of delinquent tax-payers, were offered here in our presence, and laid open to our investigation. Mr. Prendergast came to testify under oath that his claim was just and legal, and this was substantiated by other witnesses. The obligation between the State and Mr. Prendergast must be considered in the same light as if it existed between two private individuals, because the State, in its political capacity, is to be considered as a single individual. Here two parties willingly entered into a contract. Mr. Prendergast has performed his part of the obligation, but the State has not performed its obligation. His claims were presented to two different Legislatures, and he received a certain sum to be deducted from the amount of the original claim, and these sums are acknowledged in the petition. If we are unwilling to take the testimony of Mr. Prendergast, and that of Mr. O'Brien, who is also an interested party, we have before us a list of names of persons who stand high in this community, and who would not perjure themselves to enhance the interests of any individual. I make these few preliminary remarks, and will conclude after other gentlemen have expressed their views.

MR. PRESSCOTT.—The gentlemen of this House listened to the evidence that was given here. Mr. Prendergast was asked whether in receiving the \$3,500, which was paid to him under the appropriation act of 1856, he did or did not give a receipt in full. Mr. Prendergast being taken unawares, and not being thoroughly posted, admitted he did. One of the gentlemen very skillfully suggested a different reply, and he saw that he had committed a fatal *faux pas*, but still his admission stands good in spite of any subsequent corrections. As to the amount of printing done we are entirely in the dark. He was requested to furnish proof of this, but he failed to do it, and the only evidence we have is his simple *ipse dixit*, which I consider to be of no value at all. The question still remains open, and members are at liberty to form their own opinions, and my opinion is that he did not perform that amount of printing. The other evidence was of a vague and indefinite character, and leaves us precisely where we were when the matter was first investigated. But supposing the amount of printing had been done and proved, that is not the question. It is simply a point of law. The act of 1856 says the sum of \$7,000 shall be divided among these newspapers, of which *The Orleansian* was one, in full compensation for the printing done by them. I understand a committee of practical printers examined the bills, and pronounced that sum to be an ample compensation. On that report the act was passed.

The only argument that I have heard made use of by the supporters of this claim is, that the Legislature in 1857 passed another appropriation bill for the same parties, on which I believe Mr. Prendergast received over \$3,000, and that act repealed the first. I contend that it did not, for the reason that it had no repealing clause. The first remains, and decides this question once and forever - that this gentleman has received full compensation for his services, and has no farther claim. The subsequent act can be explained on the ground of its being an act of liberality on the part of the State. The State was rich then and could afford to be liberal, charitable if you will ; but it is now in a ruined and beggared condition, and cannot afford to make any extra appropriation which is not based on reasonable grounds. I call upon this House in the name of the tax payers, and the impoverished people of the State, to entertain no claim which does not rest on most indisputable grounds. The decisions of the Supreme Court of the United States have declared that a second law does not repeal a former one without a repealing clause, or negative words to that effect. The first act of the Legislature in regard to this claim says the appropriation is a full compensation for the printing, and in the second act there is no repealing clause—no reference to the former.

All the gentlemen who paid attention to the evidence introduced, will well recollect I distinctly called Mr. Prendergast to the stand, and asked if he ever laid this claim before the Auditor of the State of Louisiana. He admitted that he had never done so. In order to be sure, I called up Mr. O'Brien, his legally authorized agent, and he distinctly admitted that the claims had never been laid before the Auditor of Public Accounts. This is an important point, and I wish you to examine it in all its bearings. That fact established, condemns the claim and renders it null and void. The act relative to the State Auditor declares that "all persons having a claim against the State, shall exhibit the same, with the evidence in support thereof, to the Auditor of Public Accounts, to be audited and settled, and allowed within two years after such claim shall have been made," so that if there were no evidence by which to rebut this claim, under the provisions of this law it is altogether null and void, and we have no right to entertain it for a moment. All the points of law are against this case.

Another fact is this : Five or six papers were paid a certain amount, and I wish to be informed what would prevent their proprietors from coming forward and claiming under our decision—if this bill should pass—the amount due them ? If these claims are presented, I believe it will cost the State \$59,000, and I appeal to you, whether in the impoverished condition of our State, it is our duty to ourselves and the State to entertain such a claim ? I state distinctly that I am opposed to no just claim, notwithstanding the general poverty of the State. I am not a repudiator, but at the same time it is our duty to reject any claim which is not perfectly just and valid. This claim is entirely baseless. The gentleman has been amply paid, and I think

he has evinced a great amount of assurance in bringing such a claim before the House. I hope the bill will be finally rejected; but if it is not, remember that it may not be paid by the Auditor—that it meets a lion in its path that may be fatal to it.

MR. HARNAN.—I think the claim is a just one, and the evidence of Mr. Moore shows that the number of squares set forth in the petition were printed. The bill was made out in the usual form, and he was paid a certain amount, and the balance is still due. In regard to the claims of other papers being presented, I would say that they were paid in 1860—every one, with this single exception. This bill has been examined by practical printers, and pronounced just, and I am in favor of paying the claim.

MR. RIGGS.—I am fully persuaded that the former Legislatures believed they appropriated a sufficient amount to extinguish the obligation, and are we now to investigate the acts of 1856 and 1857, and hunt up all these claims, in the impoverished condition of the State? I cannot cast my vote for any bill, unless I am convinced that it is perfectly just, and I must raise my voice against this act, for I believe it is an attempt to defraud the State. I ask if the gentlemen who testified here gave sufficient evidence to convince this House that there was over \$15,000 worth of work done? I believe the sums that have already been appropriated by the Legislature, liquidated the obligation to the fullest extent, according to their judgment.

MR. VAN TROMP.—When Mr. Prendergast was interrogated before the Committee of the Whole, whether he was an enemy of the Confederate States, he evaded it by saying he had taken the oath of allegiance to the United States. A resolution has been passed that no one is entitled to any claim against the State, unless he has taken the "iron-clad." I do not pretend to be the judge of any man's feelings or views, nor do I wish to dictate to what government he shall pay his allegiance, but I will never consent to pay his claim until I see the evidence of his loyalty to the Union.

MR. SKYMOUR.—I think the gentleman's remarks are not germane to the subject. When we pass this bill it will be time to ask him for the proof of his loyalty.

MR. LEWIS.—I see no reason why he should have hesitated to give a direct answer to the question as to his loyalty. If I were asked such a question I should be perfectly willing to give a positive answer.

MR. CHAMBERLAIN.—From the remarks of the gentlemen, I am led to believe that their opposition to this bill arises from personal motives. One gentleman has intimated that the whole affair bears the impress of fraud. In doing so, he must cast aspersions of deliberate falsehood and perjury upon the three gentlemen who came before this House and deposed in the most solemn manner that the bill was justly due—that the work had been done—that the amount charged was reasonable, and that the balance claimed by Mr. Prendergast was justly due from the State. Now the gentleman grounds his opposition

upon the fact that Mr. Prendergast refused to answer a question, which I consider very impertinent, to say the least. He positively declared that he had taken the iron-clad oath, which the gentlemen have denied, whether it is because they did not hear it, or intentional on their part to misrepresent the truth, I will not say.

So far as the argument of the gentleman, that he bases his opposition to the claim on the ground that the Legislature of 1856 passed a bill appropriating an amount to liquidate in full the claims of certain papers, I will inform him, that it is the usual method of passing appropriation bills. It was simply in full for the demand of the session, and not for any other.

Again, he denies that in their subsequent action of 1857, when they again made an appropriation, it invalidates the previous act. I will state there are two ways of repealing laws: one by implication, the other by direct legislation. The act of 1857 repeals that of 1856, in both ways. If the previous act was in full of all demands, there could be no other appropriation made for that claim. Making another appropriation for that precise claim, implies that a portion of it was still due, which is repealing by implication, by direct legislation, inasmuch as they did legislate upon that particular bill again. Had they passed the appropriation in full, the other act would not have been an appropriation for work done, but a bonus or something of the kind. As to his argument that the bill was not presented to the auditor, that is of no weight whatever, for the claim could not have been paid, unless it had been approved by the auditor for those years.

The only question to be decided in this matter is the justice of the claim—whether we are not bound in honor to sustain by our action the credit of the State of Louisiana. What can more degrade and depreciate the credit, in your estimation, of any man, than the repudiation of just debts? You look upon that individual, or corporation, who does such an act, with disgust and suspicion. It is our interest to sustain the public credit of the State. Most of us hold promises to pay from the State, and if we depreciate these to a mere nullity, as we should by repudiating this action, we render ourselves liable to be served in the same manner on some future occasion. The next Legislature, if we should be so unfortunate as to retain the warrants we hold, might repudiate them, and point us to the precedent that some of us are endeavoring to force the State, by repudiating just claims. I think we are bound, in justice to Mr. Prendergast and to ourselves, as men and representatives, by our oaths to support the Constitution and the credit of the State, to pass this appropriation act. Instead of appropriating the amount due in full, we can acknowledge the justice of the claim, and appropriate any portion of the claim, and consider it as part payment.

MR. SKYMOUR.—I move that the further discussion of this bill be postponed until to-morrow.

MR. PEARSON.—I move to lay that motion on the table.

Carried.

MR. HAWTHORNE.—I move to adjourn.

Lost—yeas, 28; nays, 31.

MR. CHAMBERLAIN.—I move the previous question on the adoption of the bill.

The yeas and nays were called, and the motion to adopt lost—yeas, 28; nays, 31.

On motion, the House then adjourned until 12 m., Tuesday, March 14th.

TUESDAY, March 14, 1865.

The House met, pursuant to adjournment.

MR. PRESCOTT.—Mr. Speaker: I wish to present a resolution appointing a committee of three to wait upon the governor and ascertain his views in regard to the adjournment of the General Assembly.

I recently had an interview with the governor, in the course of which he remarked that he was anxious to appoint the judges of the Supreme Court, but that some gentlemen of the legal fraternity who would probably be appointed to the bench had some doubt as to whether this session is not limited to sixty days. As the amount of property involved in litigation and to come before that court amounts to some twenty millions of dollars, it is very essential that there should be no illegality in regard to the session of the Assembly which confirms those appointments, which may perhaps arise, should this session continue more than sixty days.

The great amount of business pressing upon the House demands time for transaction, and the governor informs me that he will convene an extra session within ten days after our adjournment; I therefore submit the resolution as one which commends itself strongly to the good sense of the House.

A motion to table the resolution was lost, and the bill thereupon adopted—yeas 34, nays 29.

Messrs. Prescott, Poynot and Seymour were appointed on the committee.

The Joint Committee on Inauguration reported the expenditure of three hundred and fifty-eight dollars on occasion of the inauguration of Governor Wells, and presented a bill appropriating that amount, which was adopted on first, second and third readings, with title, the rules having been suspended.

An act to incorporate the city of Jefferson.

The bill was passed on first, second and third readings, with title, the rules having been suspended.

MR. LALOIRE.—I move to reconsider the vote in regard to the relief of J. C. Prendergast.

A motion to table was lost, and the original motion carried, whereupon the bill was adopted on first and second readings and ordered to be engrossed, the rules having been suspended.

The act to provide for the administration of the Charity Hospital, and the act to re-enact section 10 of an act relative to the Charity Hospital, were adopted on second reading and ordered to be engrossed for the third.

The House concurred in the Senate amendments to the House bills concerning the masters and wardens of the port of New Orleans, and to provide a bounty fund for the Louisiana State volunteers, &c.

The rules were suspended and the act relative to pilots was adopted on first reading.

An act relative to parish recorders was adopted on second reading and ordered to be engrossed for a third.

On roll being called, it was discovered that no quorum was present, whereupon the House adjourned until 12 m., the 15th instant.

WEDNESDAY, March 15, 1866.

The House met pursuant to adjournment at 12 m., and prayer was offered by the Rev. Mr. Andrews.

The minutes were read and approved.

The Special Committee appointed to confer with the governor in regard to the adjournment of the General Assembly, reported they had consulted the governor, who advised an adjournment on the first Tuesday in April.

MR. FOLGER—I move a suspension of the rules, to take up the Senate joint resolution relative to the adjournment of the General Assembly.

MR. VAN TROMP—I move to lay that motion on the table. If the Senate will pass some of the important bills they have in their hands, I have no objections to an earlier adjournment. If we pass this resolution they may refuse to concur, or take action upon these bills.

The motion to table was lost, and the motion to suspend the rules, carried—yeas, 44. nays, 24.

Mr. Chamberlain gave notice of the introduction of a bill relative to the adoption of children.

The Senate's joint resolution, relative to the General Assembly adjourning on the first Tuesday in April, at 12 o'clock at night, was then taken up and adopted on its first reading.

The rules were suspended for a second reading.

MR. BADGER—I move to insert "the 15th of April," instead of "the first Tuesday."

MR. BOYEE—I move to strike out, "at 12 o'clock at night,"

MR. PEARSON—I move to table all amendments.

Carried.

MR. BAUM—I move to make the bill read "at 12 meridian," instead of "at 12 at night."

Laid on the table.

The resolution was then adopted by the following vote—yeas, 58 ; nays, 15.
Mr. BAUM—I move a suspension of the rules, for the final reading of the resolution.

Carried, and the resolution adopted—yeas, 62 ; nays, 8.

Mr. PEARSON—I move a reconsideration of my vote, on the adoption of the resolution on its third reading.

Mr. BOYILL—I move to lay the motion on the table.

Carried.

An act to revive and renew the charter of the South Eastern Railroad Company was taken up on its first reading.

Mr. CHAMBERLAIN—I am compelled, much against my inclination, to oppose the passage of this bill, simply on the ground of its unconstitutionality, and I therefore move to reject. I think the whole House is aware that under the constitution we cannot incorporate by special law, and this bill provides for the incorporation of a railroad company. We have had three or four bills of this nature already before the House. One received the veto of the governor on this ground, others were laid over and some withdrawn.

I would call attention to article 121 of the constitution, which says: "Corporations shall not be created in this State by special laws." The statutes of 1856 provided the method by which such bodies may be created, and their charters extended, or revised. I cannot understand why gentlemen persist in bringing in their charters to this House, rather than proceeding in a legal manner, by applying to a notary public.

Mr. LASTER—In 1855 an act was passed, incorporating the railroad under the name of the South Eastern Railroad Co., which is the Mexican Gulf Railroad. In the charter there was a limit of ten years given, during which time they were to complete the work, and if not completed, the charter should expire. Scarcity of funds and lack of business has prevented the persons originally named from moving in the matter. They now propose, if this Legislature will revise and renew their charter, and give them another ten years, to open at once subscription books and proceed to complete the work. It is intended to rebuild the Mexican Gulf Railroad to the Nine-Mile Point, opposite Cat Island, which will be of great advantage to persons living in that region, and will relieve the community of the present railroad which has become a nuisance and is entirely worthless. I do not think the reasons set forth by the gentleman are applicable to this act, from the fact that another section of the constitution of 1864 gives the Legislature power to revive and re-enact any act by incorporating the whole of the old act in the new one. I do not think the article cited has any reference to this bill, and I consider legislation upon this matter consistent and constitutional.

Mr. CHRISTIE—It seems to me it is a sheer falacy on the part of this House to take away the charter of the Mexican Gulf Railroad Company, and I am

entirely unacquainted with the reasons for so doing ; but this bill seems to be an act to re-establish that company.

MR. LASTER—It is not.

MR. CHRISTIE—In other words, the South Eastern Railroad Company, for which a charter was granted in 1855. But these are questions not to be settled before this House. The South Eastern Railroad Company has a charter at the present day, and as it has not been recalled, they can revise and alter it as much as they please. Aside from that, it is not a subject of legislation, and reference to the article of the constitution, already quoted, will show that our action on this bill would be entirely out of place. I think it is a matter wholly out of order, and consuming the time of the House to no purpose, and if I had been in the chair, I should have declared it out of order at once.

The statutes of the State provide for the creation of such corporations, and there is nothing to hinder the friends of this measure from proceeding in the legal manner. I do not desire to oppose the organizing of any company to perform a public work, but only to prevent improper measures from being brought before the House.

MR. PEARSON—I think a resolution was adopted, under which bills on their third reading were to be taken up on Wednesday. I therefore move to postpone the discussion of this bill until to-morrow.

THE SPEAKER—There is a resolution to that effect, and the consideration of this bill will be resumed to-morrow.

A call of the House was demanded, when sixty-one members answered to their names.

MR. LASTER—I move to adjourn.

Lost.

Mr. Michel was called to the chair.

An act to define the duties of State tax collectors, returned from the Senate with amendments, was taken up and read.

MR. CHAMBERLAIN—I move we concur in the amendments of the Senate and adopt the bill on its third reading.

Carried.

On motion of Mr. Bofill, the House adjourned until 12 m., Thursday, March 16.

THURSDAY, March 16, 1866.

The House met pursuant to adjournment.

Mr. Bouligny presented a resolution authorizing the refunding of certain moneys to Mr. Felen, the postmaster of the House, expended by him in settling certain bills, and directing his account to be audited.

The resolution was adopted.

An act relative to bonds, mortgages and other obligations given for slave property, was read the first time.

MR. BRACKENRIDGE—Mr. Speaker: I believe that this bill is unconstitutional, as coming under the head of *ex post facto* law, and therefore move its rejection.

MR. PRESCOTT—Mr. Speaker: This bill has reference only to laws in existence at the present time.

According to these laws, when the consideration of a note, bond, or mortgage has failed, a decision is always given in favor of the party giving the instrument. But the rule of law may be evaded by transferring the instrument to a party who comes into court as an innocent sufferer, and gets a decision in his favor.

Now property in man no longer exists in this State, and consequently very many instruments given on this security, or for such consideration, will be transferred, and the holders thereof come in and secure judgment—which I claim will ruin many loyal men in our country. I believe that a second, or any other party, should no more be protected in these cases than an original holder, and I present this bill to effect the object of depriving them from procuring any such advantage—at the suggestion of many able and influential gentlemen of this State and city.

The bill was adopted on first reading, when a motion to suspend the rules for a second reading was lost.

The rules were suspended to take up bills on third reading.

An act to authorize the testimony of interested persons to be taken in civil cases, was read.

MR. CREIGH—I move that be laid on the table.

The motion was carried.

An act relative to district attorneys was taken up.

MR. POYNOR—I move its indefinite postponement, for the reason that I believe that bill was drafted by the district attorney himself.

The motion was carried.

An act relative to parish recorders was taken up.

MR. POYNOR—I move that be tabled.

The motion was carried.

MR. TODD—I move, Mr. Speaker, to reconsider the vote relative to taking the testimony of interested parties.

A motion to table was lost, and the motion thereupon carried.

MR. CHAMBERLAIN—Mr. Speaker: I do not wish to engross the attention of the House, because the merits of the bill must commend it to every reasonable mind. It was drafted by one of the ablest lawyers of the State, in the hope that the same law might obtain ground in this country that does in almost every other State of the Union, as well as in England, France, and the continent generally.

How many men enter into engagements when none but themselves and the other contracting party are present, on account of the inability to testify, to which great loss often results. As a matter of course, the testimony of interested parties has a relative weight only, and will be estimated at that proper value which the character of the party testifying, and the attendant circumstances, give it.

I sincerely trust that gentlemen will duly consider the bill as its importance merits—in which case I have no doubt but that it will be adopted without a dissenting voice.

MR. RIGGS—Mr. Speaker : I must say that this bill seeks to allow a course of procedure contrary to all American law and practice. The interest of parties must be removed, before they are allowed to testify, and under no laws or government are they permitted to do so until that has been effected.

I am unwilling to change the practice, and break down the laws which have governed the people for ages and ages. Although I do not know the laws of particular states or countries, the provisions of this bill are in direct conflict with those principles laid down by Greenleaf in his work upon evidence, and enunciated by every other author upon the subject.

I am unwilling to have the bill pass, and call upon members to take good heed as to their action.

The adoption of the bill was lost—yeas 19, nays 45.

MR. LEWIS—I move a reconsideration, and move that it be laid upon the table.

The motion was carried.

The act for the relief of J. C. Prendergast was read, and the yeas and nays called, upon its adoption.

MR. BRECKENRIDGE—I refuse to vote, and hope every gentleman opposed to the bill will do the same.

The calling of the roll was completed.

MR. BRECKENRIDGE—I wish to vote.

THE SPEAKER—You cannot, after having refused to do so.

MR. CHRISTIE—The gentleman must vote.

MR. CHAMBERLAIN—He shall not !

MR. LASTER—I appeal from the decision of the chair.

MR. BRECKENRIDGE—I *will* vote, and defy any gentleman to prevent me from doing so. You can't deprive me of my right to vote or bully me out of it.

The decision of the chair was sustained—yeas 45, nays 23.

MR. LASTER—I move that the gentleman be allowed to vote, and also the gentleman who has just come in (Mr. Pearson).

The motion was carried, and the bill declared adopted—yeas 36, nays 34.

MR. FOLEY—I move a reconsideration and to lay that on the table.

The motion was carried and the House then adjourned.

FRIDAY, March 17, 1865.

The House met, pursuant to adjournment, at 12 m., and prayer was offered by the Rev. Mr. Thomas.

The minutes were read and approved.

MR. PRESCOTT—I wish leave of the House to read a protest, signed by numerous members, against the bill for the relief of J. C. Prendergast.

MR. FOLEY—The clerk is the proper person to read it.

MR. PRESCOTT—I believe I have a perfect right to read it myself.

MR. FOLEY—I move we adjourn.

Lost.

MR. PEARSON—I think the gentleman's vote is his protest, without any thing farther. I move to lay the protest on the table.

MR. BADGER—I move it be received and spread on the minutes.

MR. FOLEY—I move we adjourn.

Lost.

MR. PEARSON—I think the document should be read by the clerk.

MR. FOLEY—I move the reading of it be postponed for two weeks.

MR. MICHEL—It is very lengthy, and will occupy a great deal of time, and I move it be at once spread on the minutes.

MR. PRESCOTT—I am willing to.

MR. BOVEE—I hope it will be read, so that we may know what it is.

The protest was then read by Mr. Prescott.

MR. FOLEY—I move it be laid on the table.

MR. O'CONNER—I move that the three thousand dollars that Mr. Burke and Mr. Prescott asked for passing this bill be spread on the minutes.

MR. BOVEE—I understand the protest will not be entered on the official minutes unless the House orders it.

THE SPEAKER—It will not, unless ordered by the House.

MR. CHRISTIE—I move that 200 more copies of the report of the Committee on Banks and Banking be printed. Those already printed have been exhausted, and copies cannot be furnished to parties who send for them.

The Committee on Federal Relations submitted a report relative to a petition from the people of Baton Rouge, referred to them, which was adopted.

The report of the Committee on Printing was received.

MR. BADGER—I move a suspension of the rules to take up a bill relative to pilots.

Carried, and the bill read the second time.

The bill was adopted, and by a suspension of the rules passed its final reading.

An act for the organization of corporations for works of public improvement and utility, was put upon its second reading.

MR. CHAMBERLAIN—I would respectfully ask the gentleman to withdraw it,

as it is a verbatim copy of the law already in force, and I do not see the necessity of enacting laws already on the statute books.

MR. SEYMOUR—I move to reject it.

Carried.

A call of the House was demanded, and fifty-eight members answered to their names.

There being no quorum, the House, on motion, then adjourned until 12 m., Monday, March 20th.

MONDAY, March 20, 1865.

The House met, pursuant to adjournment, at 12 m., and prayer was offered by Rev. Charles Strong.

The minutes were read and approved.

MR. BROOKS—If I am in order, I move that the protest, read last Friday, against the bill for the relief of J. C. Prendergast, be spread upon the minutes.

MR. BADGER—I move to lay that on the table.

MR. FOLEY—The protest is not in possession of the House, and such a motion is out of order, and cannot be entertained.

THE SPEAKER—I shall decide it to be out of order.

A communication from Mr. Robinson, tendering his resignation as a member of the House, was read, and the resignation accepted, by the following vote—yeas, 43; nays, 11.

A quorum not voting, a call of the House was demanded, and a quorum not found to be present.

A motion to take a recess of fifteen minutes was lost.

A motion to adjourn was lost—yeas, 21; nays, 34.

A further motion to take a recess was lost.

A quorum having been obtained, the yeas and nays were called, and the resignation of Mr. Robinson accepted.

Mr. Seymour's resolution, to pay the *per diem* of the late Mr. Henratty, in full, to the 11th inst., to his wife, was adopted.

Mr. Breckenridge offered a resolution to appoint a special committee, to inquire into the charges preferred by the people of Baton Rouge against the supervising special agent of the treasury.

MR. MEEKS—I move to lay it on the table.

Carried.

Mr. Breckenridge offered a joint resolution, requesting the governor to remove persons holding more than one office, being inconsistent with the provisions of the constitution.

MR. BOYLL—I move a suspension of the rules to take it up.

Carried.

MR. BOFILL—I move to reject it.

Lost—yeas 15, nays 43.

There being no quorum, a motion was made to adjourn, which was lost.

MR. LASTER—I move we take a recess for half an hour.

MR. MICHEL—I move to lay it on the table.

MR. LASTER—I move we adjourn.

Lost—yeas 27, nays 32.

A quorum being present, the joint resolution was adopted on first reading.

MR. BRECKENRIDGE—I move a suspension of the rules, to put it on its second reading.

Lost.

Mr. Foley was called to the chair.

MR. LASTER—I move to adjourn.

Lost—yeas 10, nays 49.

MR. BADGER—I move a suspension of the rules, to concur in the amendments of the Senate to the City Charter.

Carried.

The amendments were then read. During the reading, **Mr. Christie** moved the indefinite postponement of the bill, which was laid on the table.

MR. CREIGH—I moved we adjourn.

Lost.

The amendments of the Senate were then concurred in by the House.

Mr. Christie, by permission, offered an act relative to the offices of governor, lieutenant-governor, and secretary of state, which was adopted on its first reading.

MR. MEEKS—I move a suspension of the rules, to put the bill on its second reading.

Carried, and the bill adopted by title.

MR. BOFILL—I move a further suspension of the rules for the third reading.

Carried.

The yeas and nays were called on the final adoption, with the following result: Yeas 55, nays 5.

The title of the bill was amended by inserting, "the governor's private secretary."

MR. BOFILL—I move to reconsider the vote adopting the bill.

Laid on the table.

On motion, the House then adjourned until 12 m., Tuesday, March 21.

TUESDAY, March 21, 1865.

The House met, pursuant to adjournment.

Being unable to obtain a quorum, the House adjourned until 12 m., Wednesday, March 22d.

WEDNESDAY, March 22, 1865.

The House met, pursuant to adjournment, at 12 m., and prayer was offered by Rev. Mr. Andrus.

The reading of the minutes was dispensed with.

A resolution was offered by Mr. Christie, instructing the clerk of the House to prepare a tabular list of the daily attendance of members from the commencement of the session, and adopted.

Mr. Breckenridge offered a joint resolution appropriating thirty thousand dollars for the relief of the Orphan Asylums throughout the State, which was ruled out of order, the constitution requiring appropriations to be made by bill.

Mr. Christie offered a resolution to appoint a special committee of three, with power to summon members before them and put them under oath to answer questions relating to other offices held by them, salary, etc.

Laid on the table.

The Judiciary Committee reported favorably by substitute on an act to provide for the revision of the statutes of the State of a general character. The report was adopted, and on motion of Mr. Bofill, the rules were suspended and the bill passed its first reading.

Mr. Baum: "An act for the relief of the city treasury."

Mr. Prescott: "An act to suspend the collection of debts for two years from the date of enactment."

Mr. Bovee: "An act for the relief of charitable institutions throughout the State."

"An act relative to district courts for the parish and city of Orleans, as amended by the Judiciary Committee, was adopted on the second and third reading."

"An act repealing the 10th section of an act relative to the Charity Hospital, was adopted on its final reading; also, a bill re-enacting the other provisions of the act."

MR. CHAMBERLAIN—I move a suspension of the rules to take up a bill to provide for the revision of the statutes of the State.

Lost.

MR. BAUM—I move a suspension of the rules to take up the general appropriation bill on its second reading.

Carried.

MR. BOFILL—I move one hundred and fifty copies be printed, and the bill made the order of the day for Friday.

Carried.

MR. MICHEL—I move a suspension of the rules to take up bills from the Senate.

Carried.

A joint resolution requesting the governor to enforce the law relative to

persons holding civil offices giving bonds, was adopted on its first, second, and final readings.

An act to amend article 2653 of the Civil Code of Louisiana, was adopted on its several readings.

An act giving jurisdiction to the recorders of New Orleans, in certain criminal cases, was read.

MR. CREIGH—I move to reject it.

Lost.

MR. MICHEL—I move to refer it to the Committee on Judiciary.

Carried.

An act for the relief of Augustin Gaudé and Mathilde Emilie Gaudé, legalizing their marriage.

MR. TODD—I move to reject.

MR. MICHEL—I hope the bill will be adopted, which is to legalize the marriage of the parties.

MR. LASTER—I would like to know how this marriage is illegal.

MR. BOUDREAUX—I would state that I am acquainted with the parties, who are respectable persons. The husband is the uncle of the wife.

MR. LASTER—I think the constitution forbids the passage of such an act, because it is a special act.

The motion to reject was then carried.

MR. MICHEL—Having voted in the majority, I give notice I shall move for a reconsideration to-morrow.

MR. BADGER—I move we adjourn.

Lost.

A joint resolution, tendering a vote of thanks to Major General Banks, was adopted on its several readings.

An act to provide for the removal of causes pending in the Supreme Court, under the constitution of 1852, passed on its three readings.

An act relative to the adoption of children was read.

MR. BOFILL—I move to amend, so as to except the First District Court of the Parish of Orleans, in regard to jurisdiction in cases of adoption.

Adopted.

MR. CHAMBERLAIN—I would like to have some member of the Judiciary Committee explain why they offered the amendment to have an advertisement, or notice, posted for thirty days. If not satisfactorily explained, I shall move to strike it out.

MR. MICHEL—I was not present when the committee acted upon it, and know nothing of it.

MR. CHAMBERLAIN—I move to reject that amendment.

Carried.

The bill was then adopted as amended on its final reading.

MR. CHRISTIE—I ask the permission of the House to present a resolution.

Permission was granted.

The resolution authorizing the Speaker of the House to appoint a special committee, to take into consideration the propriety of appealing to the President of the United States to abolish the Provisional Court, was read and adopted.

On motion, the House then adjourned until 12 m., Thursday, March 23d.

THURSDAY, March 23, 1865.

The House met pursuant to adjournment, Hon. J. Michel in the chair.

The Committee on Claims reported favorably, on the claim of James M. Piniger and John McLean, for repairing of steamer "Algerine," for the State.

MR. FOLEY—I move to refer it to the Committee on Claims.

MR. MEEKS—I do not see the necessity, Mr. Speaker, for taking that action, inasmuch as a committee has already reported favorably, after having had before them not only the claimants, but the captain, engineer, and parties engaged in the repair of the boat, who have, under oath, testified to the justice of the claim.

MR. BRECKENRIDGE—Mr. Speaker: I was one of the committee that had this matter under consideration, and refused to sign the report, because I was not satisfied of the correctness of the claim, inasmuch as the parties did not and said they could not produce the book containing the original items. I therefore move to lay on the table the motion of the first speaker.

MR. BOUDREAUX—I was a member of that committee, and believe that the claim is fair, and should be paid. It is very difficult for mechanics, who keep no clerks or regular books, to produce after any length of time their original bills. I move the adoption of the report, but am willing, in order to procure further information, to have the matter submitted to a committee of the whole.

The matter was referred to a committee of the whole, and made the order of the day for Monday next.

The rules were suspended, to take up the bill reported back from the Judiciary Committee, with amendments, entitled an act giving jurisdiction to the recorders of New Orleans, in certain cases.

MR. BOFILL—I move to strike out "Parish Prison," and insert "Work-house," for the reason that the expense of keeping criminals in the first named institution is more than three times that of supporting them in the second, because, in the first case they do nothing, while in the second they contribute largely to their own support.

The motion was laid on the table.

MR. CHAMBERLAIN—I move to strike out "Orleans" and insert "throughout the State," as I do not believe we should legislate for this city exclusively.

MR. BURKE—I move to lay on the table.

The motion was declared lost.

MR. FOLEY—I respectfully appeal from the decision of the chair. The motion was not lost.

The House sustained the decision of the chair.

MR. FOLEY—I move to reject the whole bill.

Motion carried—yeas 42, nays 15.

MR. BADGER—I move a reconsideration of the vote of yesterday, refusing to adopt an act legalizing the marriage of Augustine Gaudé and Mathilde Emilie Gaudé, uncle and niece.

The motion was tabled.

MR. MICHEL—I move we take up the substitute of the Senate, incorporating the City of Jefferson.

The motion was carried, and the substitute adopted on the second and third reading, with title.

MR. HARNAN—I move to strike out the words "salaries in office," in this bill to amend article 647 of the Code of Practice, so that officials may not have them exempted from service for payment of their righteous debts.

The motion was carried and the bill adopted.

The police bill, as reported back from the Senate, was read, whereupon the House receded from its amendments, and the bill was adopted as a whole.

The House then adjourned until Friday, March 24th, 1865, at 12 m.

FRIDAY, March 24, 1865.

The House met, pursuant to adjournment, at 12 m.

The minutes were read and approved.

The chair appointed Messrs. Christie, Griffith and Kamper, on the committee relative to the Provisional Court.

Mr. Prescott offered a resolution to appoint a special committee of three, consisting of Messrs. Brooks, Riggs and Woodward, to investigate the charges made against Hon. W. M. Prescott and other members of the House, by Mr. J. C. Prendergast.

MR. CHAMBERLAIN—I move to lay it on the table.

Carried.

Mr. Creigh offered a resolution authorizing the speaker to appoint a committee of five, to investigate charges of corruption made against members of the House.

MR. BOFFILL—I move to lay it on the table.

Lost—yeas 6, nays 55.

The resolution was then adopted.

A resolution offered by Mr. Breckenridge, fining members for being absent, or moving to adjourn before 3 p. m., was ruled out of order.

A joint resolution appointing a joint committee to negotiate a loan of one million of dollars for the relief of the State treasury, was adopted on its first reading, and the rules suspended for a second reading.

MR. CHRISTIE—I amend to five hundred thousand dollars.

MR. FOLEY—I move to amend the amendment by making it two hundred and fifty thousand dollars.

MR. CHAMBERLAIN—We have the assurance of some of the most solvent institutions of this city, that they would be willing to loan the State, for six per cent. interest, one million of dollars. We do not propose to raise it immediately, but to borrow half of the sum as soon as possible, and the other half before the first of January next, and pass an act providing for the suspension of the collection of taxes for one year. Borrowing of this sum will allow us to do that, and will relieve the tax payers wonderfully. I consider \$250,000 too small a sum to answer the purpose for which the loan was intended, for it would not relieve the State for one month, and would hardly pay the outstanding liabilities which now exist. While we are borrowing of so liberal creditors as the banks profess to be, I think we should avail ourselves of the advantage, and secure enough to carry on the government for a whole year.

MR. HARNAN—I do not think the bill is fair to all classes; for, while it suspends the payment of taxes, the small dealers in various articles are required to pay their license in advance, giving the large owner of real estate the advantage over the one who does a small business with a small capital.

Mr. Chamberlain took the chair.

MR. S. BELDEN—This is a bill of considerable importance, and requires careful consideration. In the able report of the Committee on Ways and Means, we find exhibited about the amount necessary to meet the expenses of the State government. The question before the House is entirely as to the ability of the tax payers to pay the amount necessary to carry on this government that we are endeavoring to administer, and the object of the resolution is to relieve them from the payment of the taxes which they are really unable to pay. The calamities that have fallen on the planting interests, together with other attendant circumstances, are sufficient proof of this. One of the largest tax payers of the State, who has property to the value of one hundred thousand dollars, was obliged to ask for the loan of two dollars and a half, in order that he might leave the city. The loan of one million is sufficient, and it is secured by the entire property of the State, and it is the duty of this Legislature to give this relief to the people, who are unable to pay one cent. If we can suspend the collection of taxes for one year, until they are able to pay, we shall then be administering the government in the spirit and policy which reason dictates, and instead of this Legislature going out of existence with a prejudice on the part of the people against it, which,

I must say, is felt at present, we will retire with the approbation of the entire people of the State, and shall have exemplified, in a practical manner, our desire to relieve them of the hardships that are oppressing them. When the agricultural and commercial interests of the State are more fully developed, and the different occupations, professions and interests are encouraged, the people will be able to pay the taxes they owe. It can be done in this way: the assessors can ascertain during the time the taxes are suspended, the actual amount of property subject to taxation, and upon this assessment predicate the taxes due during the time of suspended payment. No possible harm can result from suspending these payments, by effecting a necessary loan. If the State had to pay eight, or even ten per cent., I will guarantee that there is not a tax payer in the State who would not be glad to pay it for the relief such a measure would afford. The expense of the civil government is the cause of the outcry against it, and the commanding general, in his remarks in this hall, virtually said the objection to the State government was the inability of the people to pay the taxes necessary to carry it on.

This act is somewhat in conflict with the bill for the issue of State treasury notes, but by effecting a loan, we have one uniform currency, and avoid two objections. The first, a constitutional objection as to the right of a State to emit bills of credit, under a provision of the constitution of the United States; and second, we obviate the difficulty that would be met at the threshold of the issue, which would be the depreciation of our treasury notes, for the public is not prepared to give the same value to the notes of the treasury as to those of a bank already in existence and possessing their confidence. In regard to the objection, that it is legislating for a special class, I do not understand that there is any such question before the House. When the committee, appointed under this act, shall report, it will be the proper time to determine who shall be exempt. I think one million is no more than is necessary for the desired purpose. The city has borne the burden of the State government, but I doubt not, by the expiration of the time for which the taxes are suspended, instead of having the city of New Orleans, and a few neighboring parishes, we shall have the entire State to pay these taxes. I think anything short of a loan of one million will be insufficient to meet the wants of our constituents.

MR. FOLEY—I withdraw my amendment.

MR. CHRISTIE—In view of the explanation given, I withdraw mine.

The resolution was then adopted.

MR. BOFILL—I move that a committee of five be appointed.

Carried; and the joint resolution adopted on its final reading.

MR. BOFILL—I move a suspension of the rules to take up bills from the Senate.

Carried.

An act to authorize inspectors of weights and measures, in the parish of Orleans, to employ deputies, was read.

MR. SEYMOUR—The bill only applies to this parish, and I move to reject it.

MR. BOFILL—There is no inspector of weights and measures in any other parish. The deputies are to be employed at the expense of the inspector, and not the State.

The motion to reject was lost.

MR. SEYMOUR—I move to refer it to the Committee on Judiciary, that it may be made to apply throughout the State.

Lost.

MR. BADGER—I move to refer it to the Committee on Commerce and Manufactures.

Lost.

The bill was then adopted on its first reading.

An act relative to district judges, was adopted, on its first and second readings.

An act relative to practitioners of medicine was read, and amended by Mr. Chamberlain, to take effect from January 1st, 1866, instead of January 1st, 1865, and adopted on its second reading.

A joint resolution, relative to the commerce of New Orleans, was adopted on its second reading.

MR. CREIGH—I move to reconsider the vote on the bill relative to the inspectors of weights and measures.

MR. WATERS—I move to lay that on the table.

Lost; and motion to reconsider carried.

MR. FOLEY—I move a suspension of the rules for a second reading.

Carried.

MR. BOUDREAUX—I move to amend, so as to make the bill apply to all parts of the State.

Amendment accepted, and the bill adopted on its final reading.

The House went into committee of the whole, and amended several clauses of the general appropriation bill. The chairman reported progress, and asked leave to sit again.

On motion, the House then adjourned until 12 m., Monday, March 27th.

MONDAY, March 27, 1865.

The House met, pursuant to adjournment, at 12 m., Mr. Seymour in the chair.

Being unable to obtain a quorum, the House adjourned until 12 m., Tuesday, March 28th.

TUESDAY, March 28, 1865.

The House met, pursuant to adjournment, at 12 M.

Messrs. Creigh, Foley, Hawkins, Woodward and Mace were appointed as committee for investigation as to certain corruption.

Mr. Foley's resolution, that the president of the Senate receive the salary of lieutenant governor of the State, was adopted on three readings and passed with title.

The committee on removal of seat of government reported a bill providing for the same, which was adopted on first reading.

The committee on investigating the affairs of the land office, submitted its report.

MR. VAN TROMP—I move the report be rejected.

MR. PEARSON—There was, Mr. Speaker, a question asked of Mr. Gorlinski, who appeared before that committee, which he answered, but which does not appear in this report. It was in regard to a compromise to be made with Gorlinski, on condition of his having a favorable report, and a certain party told him he would allow him to retain his position at three thousand five hundred dollars a year. [Laughter and applause.]

MR. TULLY—I only wish, Mr. Speaker, to have this matter fully investigated, and beg leave to read a letter from Mr. Gorlinski, in regard to the matter. I only regret that the gentleman referred to therein (Mr. Brooks) is not here to listen to it.

STATE LAND OFFICE,
New Orleans, March 28, 1865. }

HON. JOHN S. TULLY, *Chairman of Committee on Public Lands:*

SIR—I understand Mr. Brooks, chairman of a special committee on lands, finds some discrepancy or clerical errors in comparing the *stolen* fragments of the order or application book, with the book of certificates, and maps of this office. This discrepancy exists, it is believed, not in the amount of acres sold or money received by the treasurer, but in the particular description of the land sold, leading to the belief, on the part of some persons, that the land had been sold twice, which, if really the case, is an error which the law provides for, making it obligatory on the part of the register to see that the money is returned whenever the State is unable to complete a title to the land applied for. I will state, however, in justice to myself, that my official maps and books of certificates, in this office, which I have examined, correspond entirely, and I am satisfied that no serious conflict can exist. The order book, in which I have noted the application for entries, may not correspond in the description of the land really entered, because the parties often desired to change their location, or it was found, as is often the case, to the satisfaction of the register, that a particular piece of land desired was not subject to entry. A pressure of business at the time would often prevent me from correcting the original application, as written down in the order book, so as to make it correspond with the certificate of entry, which contained a description of the land actually entered. These corrections I was in the habit of making at my leisure, after the sales had been completed, and are distinguished by remarks noted in red ink; and the fire which unfortunately occurred in the land office, found some of these incorrections in-

completed, and malicious persons, disposed to injure me, have dishonestly seized on a portion of the records of my office, in order to use them as a means of criminating me. I say *dishonestly*, because portions of the book spoken of, which is nothing more than a memorandum book after all, were actually stolen away from the ruins of the fire in the land office, with the base hope of being able to use it as evidence against me.

Very respectfully, your obedient servant.

JOS. GORLINSKI, Pro Register.

The report was rejected—yeas 52, nays 11.

The rules were suspended, and the bill entitled "an act to provide for the liquidation of the chartered and free banks of the State of Louisiana" was read for the first time, whereupon Mr. Christie offered a substitute therefor.

MR. CHRISTIE—I propose, Mr. Speaker, by this substitute, to exempt certain banks in this city from the general law requiring all to go into liquidation, for the reason that they are entirely solvent at present, though any future Legislature may order them to follow the course of the others.

Further consideration of the bill was, on motion carried, postponed until to-morrow, the 29th instant.

The House resumed the consideration of the appropriation bill, in committee of the whole, Hon. T. G. Chamberlain in the chair.

The appropriation for contingent expenses of secretary of state was fixed at \$300; for those of state auditor, \$2500; for state treasurer, \$500; nothing was allowed for contingent expenses of superintendent of public education, those of the adjutant and inspector general, or those of the Supreme Court. Five hundred dollars were appropriated for contingent expenses of state library, and nothing for general contingent expenses. Fifty thousand dollars were appropriated for commission to tax collectors, and thirty thousand dollars for compensation to assessors, and nothing for support of free public schools. "Fifty thousand dollars" was placed after "for printing and advertising."

MR. PRESCOTT—The most of the State bonds are in the hands of rebels; there is therefore no necessity of providing for the payment of them as yet.

I therefore move to strike out the appropriation of seven hundred thousand dollars, set apart for payment of interest on these bonds.

MR. S. BELDEN—I agree with the gentleman. When these bonds are presented it will be time enough to discuss payment of interest thereon.

The motion to strike out, was carried.

The Deaf, Dumb and Blind Asylum at Baton Rouge received an appropriation of ten thousand dollars, and the garden of the State grounds, at Baton Rouge, seven hundred and twenty dollars. For the salaries of parish school superintendents, thirty thousand dollars were appropriated.

The committee then rose, reported progress and asked leave to sit again on to-morrow, the 29th instant.

The report was adopted.

The House then adjourned until 12 M., the 29th instant.

WEDNESDAY, March 29, 1865.

The House met, pursuant to adjournment, at 12 m., and prayer was offered by the Rev. Mr. Andrus.

The minutes were read and approved.

Mr. Chamberlain offered a resolution appropriating the sum of two thousand dollars to be given to the officers of the House.

Laid on the table.

MR. CHAMBERLAIN—I move a suspension of the rules to take up a bill to provide for the revision of the statutes of the State.

Lost.

MR. BRECKENRIDGE—I move a suspension of the rules to take up House bills from the Senate, with amendments.

Carried.

An act authorizing the issue of State treasury notes, was taken up.

MR. SEYMOUR—I move to reject.

MR. PRESCOTT—It is a fact, that owing to the depletion of our State treasury, it is necessary to make some arrangements whereby that evil can be remedied. There are several remedies before this House, but the only efficient and practicable one is the bill empowering the governor to borrow one million of dollars, or as much of that sum as may be necessary to relieve the State treasury. That bill has passed the House, and I believe it will pass the Senate, and receive the signature of the governor. It proposes to borrow the sum of the banks, at the reasonable rate of six per cent. interest, and I am in favor of that plan. The bill before the House proposes to issue a million of dollars in treasury notes. I say it will be a failure, for it is well known that strong constitutional objections exist against the issue of such notes. They will stand so low in public estimation that it is not probable they will circulate for more than thirty or forty cents on a dollar, and all those who have performed service for the State, as well as the people at large, will be at a loss in consequence. The State will be obliged to purchase certain articles with this currency, and will, therefore, have to give a double price, and instead of saving money, it will entail a serious loss. If we borrow money, we have a currency of fixed value, which is definitely understood by the people. Besides, the issue of notes is unconstitutional, as an examination of the opinion of Judge Story, and other decisions of the Supreme Court will show.

The case of *Craig vs. the State of Missouri*, is a parallel case, and the issue of bills by that State was declared wholly unconstitutional, and a most serious loss and injury was inflicted upon the State. A similar case occurred in Kentucky, which the Supreme Court decided against, when the constitutionality of the measure was raised by some of the citizens. I trust the House will reject this bill, for the one we have already passed is sufficient for the desired end, and is entirely constitutional.

The bill was then rejected by the following vote—yeas, 60; nays, 6.

MR. BADGER—I move a suspension of the rules, to take up the bill to provide for the liquidation of the chartered and free banks of the State of Louisiana.

Lost.

MR. BRECKENRIDGE—I move a suspension of the rules to take up all Senate bills.

Carried.

An act relative to the commerce of New Orleans was adopted on its third reading.

An act relative to the practitioners of medicine, was taken up on its third reading, and adopted.

An act relative to the construction of a steamboat canal from Vermillion bay to the Sabine river, was adopted on its first reading.

The bill to provide for the liquidation of the chartered and free banks of the State of Louisiana, was taken up.

MR. CREIGH—I move to reject the first section.

MR. MICHEL—I move to lay that motion on the table.

Carried.

The motion to adopt the section was lost.

MR. FOLEY—The first section having been rejected, I move the further consideration of the bill be indefinitely postponed.

Carried.

The House then went into committee of the whole, and took up the general appropriation bill. Mr. Chamberlain, chairman.

The various clauses of the bill were taken up and adopted, and the chairman recommended the adoption of the act as amended.

The bill was then adopted by the House on its second and third readings.

The House then adjourned until 12 M., Thursday, March 30th.

THURSDAY, March 30, 1865.

The House met, pursuant to adjournment.

The resolution providing for no session of the House on Saturday, was repealed by a resolution offered by Mr. Cook, providing for a session on Saturday, proximo.

MR. VAN TROMP—I move to suspend the rules and take up the "Act relative to inspectors generally."

MR. CHAMBERLAIN—That bill cannot be entertained by this House, for the reason that the original act must be re-enacted.

MR. VAN TROMP—Not at all, sir; because we only wish to repeal one section, which is rehearsed at length.

The bill was adopted on first reading, when a motion to suspend the rules and put on second reading, was lost.

An act relative to state engineer, was adopted on first and second reading, and referred to the Committee on Internal Improvements.

Mr. MICHEL.—I move a reconsideration of the vote of yesterday, to postpone indefinitely the act to provide for the liquidation of the chartered and free banks of Louisiana.

Mr. CARRIER.—**Mr. Speaker:** I was and am utterly at a loss to understand the action taken by this House on yesterday, in regard to this bill. It may have been—the only plausible reason I can imagine—because certain exceptions were made. I only wish to say, that it is impossible to force the banks thus excepted, into liquidation, because they have violated no part whatever of the contract between themselves and the State. After the action therefore taken, I must despair of expecting anything from this Legislature.

Mr. PARSCOTT.—**Mr. Speaker:** I can prove, that in 1858 every bank of this city had forfeited its charter, according to the report of the Board of Currency. Then, [when the war broke out, the treasury of the State was nearly depleted, and the rebellion must have collapsed in this part of the South, had it not been for the aid which these banks extended to the Confederacy. The bank of Orleans alone had four millions in gold in its vaults then, and it is estimated that no less than fifteen million of dollars were in the vaults of banks in this city at the time Gen. Butler approached the city, belonging not only to themselves and corporated companies, but to many, loyal citizens, who were reduced to beggary by the surreptitious and infamous action of these banks, in sending all this specie to Atlanta.

I clip the following from the report of the most reliable fiscal authority in this city, showing where this money has gone to :

An extract of a letter from Richmond, published in a Mobile paper of a recent date, indicates that a disposition has been made of the specie belonging to Southern banks. Whether that owned or belonging to the banks of city is included, we are not informed. It is reasonable to conclude that as the Confederate treasury had control of the greater part, it has been used or exchanged in the manner given in the following extract :

"Private letters from Richmond state that the gold belonging to Southern banks, which has been endangered more than once by Federal raids, has been bought by the Richmond government with European exchange. It will be paid to the soldiers in the army during the next month."

Relative to the coin owned by our banks. **Mr. Memminger**, secretary of the Confederate treasury, addressed a letter in reply to some inquiries regarding the return of the coin from the Confederacy, of which the following is an extract, dated the 5th June, 1862, and received here during the month of July following :

"It has been deposited in a place of security, under the charge of the government, and it is not intended to interfere with the rights of property in the banks, further than to insure its safe custody. They may proceed to conduct business in the Confederate States upon this deposit, just as though it were in their own vaults.

C. G. MEMMINGER,
Secretary of the Treasury."

The amounts sent away by the several banks were as follows :

Bank of Louisiana.....	\$2,461,394
Mechanics' and Traders' Bank.....	250,000
Louisiana State Bank.....	632,720
Canal Bank.....	500,000
Merchants' Bank.....	160,600
Oreasant City Bank.....	162,858

\$4,167,572

I say that the action taken by these institutions deserves the severest retribution ; that the bills before us bear upon their face the impress of fraud, as is plain, when we reflect that under them the banks are virtually not obliged to go into liquidation at all, and I call upon you, one and all, to so vote that these effete institutions may not be appointed guardians of their own interests, but that they may be forced to go into liquidation, and be placed under such surveillance as will cause them to realize from their assets the greatest available amount for the benefit of their suffering creditors.

The motion to reconsider was carried—yeas, 38 ; nays, 22.

The striking out of the first section was then reconsidered, and the bill put on second reading—the rules having been suspended.

The salaries of the board of commissioners were fixed by filling in the blanks of the printed bill, whereupon the question was put on adoption of the bill as amended—it having been amended in section three by striking out " when deemed necessary," in order that immediate liquidation might be proceeded with ; also, striking out, in section five, the words giving the banks not exceeding five years in which to liquidate.

MR. RIGGS—I believe, Mr. Speaker, that the forcing into liquidation banks which up to this trying time have faithfully carried out their charters and contracts, is a gross injustice, and therefore move the rejection of the bill.

MR. FRESCOTT—The military power has, Mr. Speaker, declared these banks to be hopelessly insolvent, as they will be, since their assets consist of Confederate bonds, good for nothing, cotton in the Confederacy, long since burned, and negroes, who are now all free. This desire to allow the liquidation of the banks to go on, as their directors think proper, is nothing more or less than a contrivance, on their part, to absorb the assets themselves.

MR. RIGGS—I deny it, sir. No institutions have acted in better faith than these banks, and there is no danger to be apprehended from lack of it.

MR. CHAMBERLAIN—Mr. Speaker : I shall vote against the adoption of this bill—first, because I think that if we oblige these banks to go into liquidation at once, a great loss will result to the creditors of the banks, from the fact that everything must be disposed of at what it will bring ; consequently, I regard the striking out of the clause, allowing the commissioners to extend the time for liquidation to five years, as the greatest error committed by this House to-day ; secondly, I believe that in time, with proper care, these banks

can all recuperate ; thirdly, I am opposed to hasty legislation, and believe that this question should be now fully considered.

MR. BORILL—I shall vote against the bill, because it proposes to force into liquidation two perfectly solvent banks.

MR. CHRISTIE—I merely wish to say, Mr. Speaker, that the commissioners had no idea of forcing the banks to sacrifice their assets, and regret the striking out of the clause allowing them five years in which to liquidate.

MR. H. C. BELDEN—Mr. Speaker : I shall vote against the adoption of this bill, for two reasons—first, it attempts to force into liquidation solvent banks ; secondly, because I do not believe in destroying institutions, which, up to this time, have faithfully fulfilled their obligations, which are now only prevented from doing so by the temporary prostration of our business community.

The bill was adopted on second reading—yeas, 36 ; nays, 23 ; whereupon the House adjourned until 12 m., the 3d inst.

FRIDAY, March 31, 1866.

The House met, pursuant, to adjournment, at 12 m., and prayer was offered by the Rev. Mr. Thomas.

The minutes were read and approved.

A petition asking the use of Liberty Hall, for divine service, for six Sundays, was received.

MR. TODD—I would state that the gentleman who is to preach in this room is a stranger here, and is a Congregationalist, and there is no church for the purpose. I do not think it would desecrate this house by having preaching here for a few Sundays.

MR. PRESCOTT—I agree with the gentleman's views in regard to the suitability of the place, but I will state for the information of the House, that there is a bill before us to remove the seat of government to the Mechanics' Institute. If that passes, and I trust it will, the removal will be almost immediate, and our control of this Hall will cease at once. I have no objection to the object in view, but we probably will not have the power to grant this request.

MR. TODD—I think the gentleman has resorted to a poor subterfuge, for if the bill should pass, we could not remove in six weeks.

MR. CREIGH—I think we have too many churches in New Orleans to turn Liberty Hall into a church.

MR. CHRISTIE—I do not think it would desecrate the hall to have a little preaching in it, but I believe there are a plenty of churches vacant.

The request was granted by the following vote—yeas, 38 ; nays, 22.

Mr. Brooks offered a resolution, giving the clergymen, who had officiated

in the House, one hundred dollars each, and five hundred dollars to the chief clerk, as extra compensation.

The latter clause of the resolution was ruled out of order.

Mr. Creigh offered a substitute giving the clergymen five hundred dollars each, which, on motion of Mr. Christie, was laid on the table.

On motion of Mr. Lewis, the subject was postponed.

Mr. Breckenridge moved to reconsider the vote on the bank bill.

Laid on the table.

Mr. WHEELER—I move a suspension of the rules to take up Senate bills on their second reading.

Lost.

Mr. Michel took the chair.

The act relative to the revision of the codes and statutes of the State, was taken up on its second reading.

MR. CHRISTIE—I am opposed to the bill as it now stands. There is something deficient, and I only wonder that the Judiciary Committee did not foresee the necessity of providing that copies of the statutes should be printed. These copies have to be sent to the secretaries of the different States. I move that it be referred back to the committee for them to prepare a proper bill.

MR. CHAMBERLAIN—I am astonished that the gentleman should request the House to print that which they have never seen and never will see. It will involve the State in an expenditure of thousands of dollars, and the work of this committee may never be accepted. The committee has to perform this work of revision and submit it to the next Legislature. If it is approved, that body will order it to be printed, but his Legislature has no right to pass a bill of that nature or authorize the committee to have the work printed.

The bill was then adopted, and by a suspension of the rules, passed its final reading.

The House then went into committee of the whole, to consider the bill for the relief of James M. Pinniger and John McLean, Mr. Chamberlain, chairman.

The chairman reported favorably on the bill and recommended its adoption.

The report was adopted.

A motion to adjourn was lost.

MR. MEERS—I move a suspension of the rules to take the bill up.

Lost.

On motion, the House then adjourned until 12 m., Saturday, April 1st.

SATURDAY, April 1, 1865.

The House met pursuant to adjournment.

On petition of Mr. Gallagher, police officer to the House, his *per diem* was increased from three to five dollars.

Mr. Brooks presented a resolution, providing for a suspension of the rules after reading reports of committees, in order to act upon House bills reported back to the Senate, and bills at third reading, which was tabled; as was a resolution offered by Mr. Griffith, appropriating certain gratuities to employees.

Mr. Laloire offered a resolution, calling for a committee to investigate certain irregularities alleged to have been committed by P. Felen, postmaster to this House—which was adopted, and Messrs. Laloire, Bernard, and Ingram appointed to serve as committee.

The Hon. J. T. Michel was called to the chair.

The rules were suspended, and the bill for the organization of a State land office, reported on favorably by the Committee on Internal Improvements, was adopted, on third reading, with title.

MR. S. BELDEN—I move a suspension of the rules to take up the bill entitled an act to provide for the liquidation of the free and chartered banks of the State of Louisiana.

MR. VAN TROMP—I have a substitute to offer.

The substitute was read.

MR. PRESCOTT—I move that be laid on the table, for it is nothing but an old law vamped up.

MR. VAN TROMP—Mr. Speaker: This is an old law, but I think that it is entirely applicable to the present condition of affairs. I say that the duties of the board of commissioners should be positively defined, and that there should be a board of currency, which can exercise a supervision over that board.

MR. CHRISTIE—Mr. Speaker: A board of currency is of no earthly availability at the present juncture, because the banks are insolvent. The bill is utterly impracticable.

The motion to lay on the table was carried—yeas, 34; nays, 25.

The chair decided the motion out of order, whereupon an appeal was taken, and the decision of the chair was sustained.

MR. CREIGH—I move that the further consideration of the bank bill be postponed until Monday next.

MR. PRESCOTT—I move to lay that on the table.

Carried.

The bill was then adopted on its third reading.

MR. EGAN—Having voted in the majority, I now move to reconsider the vote.

MR. PRESCOTT—I move to lay that on the table.

Carried.

MR. MEERS—I move a suspension of the rules, to take up the bill for the relief of J. M. Pinniger and John McLean.

Carried, and the bill adopted upon its final reading.

MR. MEERS—I now move to reconsider the vote adopting the bill.

Laid on the table.

MR. BOUDREAUX—I move a suspension of the rules, to take up the bill defining the boundaries between the parishes of Terrebonne and Lafourche.

Carried.

MR. BOUDREAUX—The persons who signed the petition against the bill live in the lower part of the parish, and have nothing to do with the bill—no interest in the part I wish to annex to my parish. I presented to the House a petition from the people living in that portion of the parish in question, in favor of the proposed change.

MR. LEWIS—I would like to know if the bill was referred to a committee, and the report that was made.

THE SPEAKER—The bill was referred to the Committee on Parochial Affairs, and they reported unfavorably.

The bill was then adopted on its second reading.

MR. TODD—I move a suspension of the rules, to take up the bill on its third reading.

Carried, and bill adopted.

Under the resolution adopted in the morning, the chair appointed the following committee—Messrs. Laloire, Bernard, and Ingram.

The bill relative to constructing a steamboat canal from Vermillion Bay to the Sabine river, was taken up on its second and third readings.

MR. BADGER—I move we adjourn.

Lost—yeas 18, nays 40.

The Bayou Lafourche and Mississippi Land Improvement Company bill was called up.

MR. CHAMBERLAIN—I deny that the bill is before the House. It requires a suspension of the rules to take it up.

THE SPEAKER—So the chair decides.

The bill relative to preserving the grounds of the capitol at Baton Rouge was taken up, and the amendments of the Senate concurred in.

MR. DANIEL—I move we adjourn.

Lost.

The land improvement bill was then taken up under the head of messages from the Senate. The Senate amended by striking out the following :

“Provided, also, that no member of the General Assembly of this State shall become a stockholder of said land improvement company.”

Several members having left the hall, and there being no quorum, the House adjourned until 12 m., Monday, April 3d.

MONDAY, April 8, 1865.

The House met, pursuant to adjournment, at 12 m., and prayer was offered by the Rev. Mr. Strong.

The minutes were read and approved.

Mr. Creigh offered a resolution to rescind article 81 of the rules of the House, for the purpose of acting upon a resolution appropriating certain sums as extra compensation for the officers of the House.

The rules were suspended and the article rescinded.

MR. CHAMBERLAIN—I move we take up the resolution *seriatim*.

Carried.

MR. LASTER—I move to amend by giving the chief clerk \$500 instead of \$250. After the final adjournment of this House, the duties of most of the other employes will cease, but the chief clerk is charged with a large amount of unfinished business, and he will be compelled to hire assistance, and it will be a hard case to force him to pay them out of his own salary.

MR. HARNAN—I think his compensation of \$2500 per annum is a sufficient compensation, and I am opposed to burdening the tax payers with any such appropriation.

MR. FOLEY—I beg that gentlemen will consider what they are going to do. We have been employing thirty-five clerks, not reckoning the employes of the House, which amounts to fifteen more. They are not satisfied with being employed six months, and ask for more money. I am not in favor of appropriating moneys to any employes, for I believe they have been well paid.

MR. LESTER—I move to strike out the clause relating to the chief clerk.

MR. —TODD—I move to lay that on the table.

Carried.

MR. FOLEY—I call for the order of the day. The hour has arrived.

It was stated that members were leaving the hall.

MR. BRECKENRIDGE—If that bill—the Bayou Lafourche Land Improvement bill—is brought up, I will leave the hall, and no one has a right to prevent me.

Messrs. Breckenridge and Burke passed over the railing and left the hall.

MR. DUANE—I move we adjourn.

Lest.

THE SPEAKER—It is my duty to call the attention of the House to the insult offered to it by members scaling the railing and leaving the hall.

MR. TODD—I move Messrs. Breckenridge and Burke be expelled.

MR. DUANE—I claim that any gentleman has a right to leave the hall when there is a quorum remaining.

MR. CHAMBERLAIN—I must protest against this action. We have not power to expel these members. If they have done wrong, they may be impeached. I will not vote on the question.

MR. VAN TROMP—According to the announcement of the speaker, there is sixty-two members present and these gentlemen had a right to leave.

MR. BOFILL—I contend that neither the speaker nor the House has a right to detain a gentleman, when he desires to leave. Nothing of the kind has ever occurred in the Legislature of Louisiana, and I shall vote *no* on the motion to expel.

MR. BAUM—I refuse to vote.

MR. CHRISTIE—As one of the gentlemen has been guilty of the offence before, I shall vote in the affirmative.

The motion to expel resulted as follows—yeas 30, nays 21.

No quorum voting, a call of the House was demanded.

MR. PEARSON—I move that the gentlemen be compelled to vote who have refused.

The roll was called and a quorum found to be present.

The motion to expel was declared lost, two-thirds not voting in the affirmative.

MR. LASTER—I move a suspension of the rules, to take up the resolution under consideration.

Lost.

MR. BOFILL—I move we adjourn.

Lost.

The Bayou Lafourche land improvement bill was then taken up, under the order of the day.

MR. FOLEY—I move we concur in the amendments of the Senate.

MR. BOFILL—I demand a call of the House—members are leaving, and there is not a quorum present.

The roll was called, and 58 members responded.

A quorum having been obtained, the motion to concur with the amendments of the Senate was put with the following result—yeas, 44 ; nays, 13.

The speaker decided that the vote was not decisive, there being no quorum voting.

MR. FOLEY—I appeal from the decision of the chair.

MR. BOFILL—I protest against the appeal being put, since there is no quorum, and move for a call of the House.

The roll was called, and 58 members responded.

The sergeant-at-arms was sent for absent members, and reported of success.

MR. BOFILL—I move we adjourn.

Carried—yeas, 29 ; nays, 27.

The House then adjourned until 12 M., Tuesday, April 4th.

TUESDAY, April 4, 1865.

The House met pursuant to adjournment, but accomplished no business, and finally adjourned until 7½ P. M.

EVENING SESSION.

TUESDAY, April 4, 1865.

The House met pursuant to adjournment at 7½ o'clock, P. M., Hon. S. Belden, speaker, in the chair.

Mr. Chamberlain offered the following resolution :

Resolved, That (1000) one thousand copies of the journal and (1500) fifteen hundred copies of the debates of this House be published in book form, for the use of the members and the officers of the State, by the state printer.

Adopted.

Mr. BOYLL—I move a suspension of the rules to take up the general appropriation bill, reported back from the Senate with amendments.

Carried.

The House refused to concur in the amendments of the Senate, relative to striking out appropriations for the following charitable institutions: "Prytanla Street Asylum, First District," "House of the Aged and Infirm," "House of the Five Wounds," Jefferson, and the bill was returned to the Senate.

Mr. MEERKS—I move a suspension of the rules, to take up the Senate bill entitled "An act to divide the State of Louisiana into five Congressional Districts."

The rules were suspended and the bill adopted on its final reading.

Mr. PRESIDENT—I wish to offer the following resolution:

Resolved, That the translation of the bills be dispensed with until after the adjournment, with a view of having all acts passed enrolled before the hour of adjournment, and that the translating clerk be allowed ten days to complete his work.

Mr. Baum offered the following preamble and resolution:

Whereas, B. L. Lynch, attorney general of the State of Louisiana, has caused to be transferred several suits from the jurisdiction of the First District Court of New Orleans, alleging that justice could not be had in said court; therefore,

Be it resolved, That such action on the part of the attorney general is a reflection against the judiciary of the State, against the character of the regularly established courts thereof, and against the integrity of the people who elected him to his office, and from among whom the juries of the courts are drawn.

Be it further resolved, That such conduct on the part of said B. L. Lynch is unlawful, unbecoming a high public officer, and expressly contrary to the laws which he has sworn to support, and which alone should govern him in the discharge of his official duties.

Be it further resolved, That this attempt to cast odium upon the judiciary, the jurors, citizens and people of the State, deserves the severest reprobation; that if there is any difficulty, as alleged by said B. L. Lynch, in obtaining justice in the courts, it is owing to the want of ability on the part of the

attorney general ; that the said Bartholomew L. Lynch be, and is hereby requested to resign, and give an opportunity to the citizens of the State to elect a more competent officer.

MR. BAUM—My object in presenting that resolution is to show you what kind of a man B. L. Lynch is. He has done everything he could in Washington to prevent the admission of our delegates in Congress, and I have a document before me in proof of that fact.

MR. MICHEL—I move to lay the resolution on the table.

Lost.

MR. CHAMBERLAIN—Previous to calling the roll on the adoption of the resolution, allow me to explain my vote. I shall vote against it, for the simple reason that I will not condemn any man unheard.

The motion to adopt was lost—yeas, 20 ; nays, 39.

A message was received from the Senate, announcing that that body had reconsidered the amendments to the general appropriation bill, and returned it to the House as with all its original provisions.

The resolution giving extra compensation to certain officers and employees of the House was called up, but no decisive action taken.

Mr. Seymour offered the following resolution :

Resolved, That the thanks of the House of Representatives of the State of Louisiana are eminently due, and hereby tendered to the Hon. Simeon Belden, of St. Martin, for the courteous, impartial and dignified manner with which he has presided over our deliberations, during the two sessions of the Legislature.

Resolution adopted.

Mr. O'Connor offered the following resolution :

Resolved, That the thanks of this House are due to Ex-Governor Hahn, for the ability and patriotism with which he has administered the affairs of the State.

Resolution adopted.

Mr. Cook offered the following resolution :

Be it resolved, That we, the members of the loyal Legislature, feel it an irresistible duty we owe to our most worthy and esteemed governor, J. Madison Wells, who was recently inaugurated to conduct the affairs of our gallant State, in his policy in reorganizing the judiciary of our State, and also in the names he has selected to fill the different judicial positions.

Be it further resolved, That we are now about to retire, by adjournment, from our arduous labors as members of the first Legislature that has ever met under the folds of a national banner that proclaims freedom and equality, which will be handed down to posterity with pride and happiness, and which the friction of time cannot efface, nor the hands of the tyrant impede ; we cannot leave our duties, as such, without expressing our gratitude in the manner in which our governor has conducted the affairs of the State, under the circumstances, and also expressing our utmost and most sincere gratitude at the successes of the immortal leaders of the army throughout our whole country, and before the meeting of a succeeding Legislature, that the flag of our nationality may float as proudly over every inch of rebel territory as it does now over the ramparts and parapets of Atlanta and Charleston.

Resolution adopted.

The hour for adjourning the House having arrived, the speaker, Hon. S. Belden, addressed the members as follows :

Gentlemen of the House of Representatives of the State of Louisiana :—Under the joint resolution of the two Houses of the Legislature we adjourn this evening. I must tender to you my sincere thanks for the kind assistance given to me in the discharge of my official duties from the commencement of our labors. I do not make this acknowledgment formally, but from the earnest feelings of my heart. Notwithstanding there has been a diversity of action and sentiment, I believe I can say truthfully, that the members of the Legislature, as one man, have looked to the welfare of their constituents in their legislation. Whatever some may say to the contrary, time will prove the truth of the assertion, and I am willing to leave it to time to judge of our honesty and uprightness of purpose. If we have erred, it is only human : it is divine to forget. In the discharge of my duties, as your presiding officer, I have endeavored, as far as my abilities permitted me, to deal out equal justice, and if I have not done so in all cases, it has been an error of the head and not of the heart, and must be attributed to ignorance rather than a disposition to deal unjustly or unfairly. We close to-night, but, fellow members of the Legislature, our labors do not cease. We have embarked on a mission that is sacred, but whose destiny is not accomplished yet, and we must push forward in the restoration of civil government in this State, and not falter in the great work we have undertaken. This is but the dawn of our labors. The future is before us replete with interest, and in restoring to our constituents the sacred trust they have reposed in our hands, we must at the same time form a resolute determination to push forward the cause of the Union, the cause of the nation, and the cause of humanity all the world over. [Great applause.]

Again I thank you for the kind manifestations you have ever extended to me as your presiding officer, and declare the House of Representatives of the State of Louisiana adjourned *sine die*.

APPENDIX.

REPORTS OF STATE OFFICERS.

APPENDIX.

REPORTS OF STATE OFFICERS.

REPORT

REPORT

OF THE

AUDITOR OF PUBLIC ACCOUNTS.

AUDITOR'S OFFICE, STATE OF LOUISIANA,
New Orleans, October 3, 1864.

To the General Assembly of the State of Louisiana:

In accordance with the provisions of an act entitled "An Act to regulate the office of Auditor of Public Accounts," approved March 13, 1855, I have the honor to submit this, my report of the fiscal operations of the State of Louisiana, from the commencement of the administration of Gen. Shepley, the late military governor, to the 30th September, 1864.

I entered upon the discharge of the duties of my office as auditor, on the 4th day of March, 1864, and on the 9th of that month obtained possession of such books and papers relating to the office as were in possession of Mr. S. M. Torry, late auditor.

The largest portion of the books, papers and documents relating to the transactions of this department in former years, were secreted or destroyed by the rebels, at the time of their abandonment of the capital and public offices at Baton Rouge, in May, 1862, and other, and probably the most valuable portion, were removed by Mr. Peralta, their auditor, and have not been recovered. The destruction and removal of such books and documents render it impossible to present a complete exhibit of the condition and fiscal operations of the State during the interval from the close of the year 1861 to the commencement of the administration of military Gov. Shepley.

In June last, I received from E. Cousinard, sheriff of East Baton Rouge, two large boxes of books and papers pertaining to this office, which he had

APPENDIX.

discovered buried a short distance from Baton Rouge; but they had become so badly decomposed in their subterranean retreat, that the discovery will be of little service to the office.

The following is a statement of the receipts and expenditures of the State treasury during the administration of the late military governor, as the same appears upon the books of Mr. Torry, late auditor, and presenting the condition of the treasury on the 9th March, 1864 :

Amount received by T. C. A. Dexter, late state treasurer, from his predecessor in office; said amount being deposited in the Louisiana State Bank in "Confederate notes,"	\$462,752 13
(There being no information in this office as to what several funds this amount belongs, I have placed it to the account of "General Fund,"—see statement A.)	
Total amount of receipts by the State during the term of office of S. H. Torry, former auditor, as shown by his books	702,645 53
Total amount of disbursement during the same period	330,052 70
Leaving on March 9, 1864, a surplus in the treasury of current funds of	\$372,592 83
And of "Confederate notes" of	462,752 13
Making the total amount	<u>\$835,344 96</u>

STATEMENT A,

Showing the various sources of revenue and the funds to which the receipts were credited.

GENERAL FUND.

Confederate notes received from former treasurer	\$462,752 13
Received as auction duties	57,516 31
Received as State tax, proper	246,038 03
Received as licenses on trades, etc.	198,298 50
Received for redemption of lands	387 32
Received from other sources	3,810 14
Total	<u>\$968,802 43</u>

SCHOOL FUND.

Received as mill tax	\$147,609 89
Received as poll tax	11,995 00
Total	<u>\$159,604 89</u>

INTERNAL IMPROVEMENT FUND.

Received as internal improvement tax	<u>\$36,990 34</u>
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STATEMENT B,

Showing in detail the different receipts mentioned in Statement A.

CONFEDERATE NOTES.

This amount was left by the Confederate authorities in their haste to retreat before the advancing army of the United States, but nothing is known

APPENDIX.

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in regard to what several funds it belonged to, or how it was received—
\$462,752 13.

The returns made to this office by J. M. Serpas, sheriff and tax collector for the parish of St. Bernard, show that he has still in his hands the sum of \$2,421 24 in Confederate notes, received by him in payment of taxes for the year 1861, previous to the occupation of the State by the Federal authorities.

Mr. Serpas received them in payment of taxes when the State was in rebellion, and they were by the rebel laws legal tender. In my report to the State Constitutional Convention, in May last, I mentioned this subject, and was directed by that honorable body to accept the notes from Mr. Serpas, and relieve him from so much of his liability to the State in my final settlement with him.

AUCTION DUTIES,

Showing in detail the collections up to March 9, 1864, as per Mr. Torry's books.

1862. RECEIVED OF		
Oct. 17, G. Léaumont for quarter ending June 30, 1862.....	\$	909 26
" P. J. Spear " " " "		36 51
" C. E. Forstall " " " "		70 45
" J. B. Crozat " " " "		15 30
" R. Guitierrez " " " "		31 55
" D. E. Morphy " " " "		510 31
" M. Barnett " " " "		6 35
" E. M. Jacobs " " " "		19 00
" " " " Sept. 30, 1862.....		135 63
" R. Scott " " " " June "		206 50
" R. B. Sykes for two quarters ending Sept. 30, 1862.....		865 85
" R. Scott " " " "		296 87
" 21, J. Hoffman " " " "		1,252 13
" 22, C. Samory " " " "		1,959 66
" 22, J. Hotz " " " "		131 37
" 27, R. T. Montgomery for two quarters ending Sept. 30, 1862.....		1,812 92
Nov. 4, G. W. McCerren " " " "		541 48
" 19, H. H. McLean for quarter ending " " " "		100 50
" 25, N. Vignie " " " " June 30, 1862.....		433 68
Dec. 15, J. Neville, for two quarters ending Sept. 30, 1862.....		127 12
1863.		
Jan. 2, J. B. Crozat for quarter ending December 31, 1862....		294 36
" D. W. Farrington " " " "		4,490 38
" 5, E. M. Jacobs " " " "		63 45
" 6, D. E. Morphy " " " "		588 10
" 7, H. H. McLean " " " "		283 35
" 9, R. Scott " " " "		280 45
" 10, J. P. Boisseau " " " "		99 75
" 16, G. W. McCerren " " " "		96 03
" 17, T. Keeler " " " "		79 59
" 17, J. Hoffman " " " "		1,207 85
" 20, Thomas Richardson " " " "		148 66
" 20, G. Léaumont " " " "		227 60
" 26, R. T. Montgomery " " " "		1,484 46

Amount carried forward.....\$18,807 27

APPENDIX.

Amount brought forward.....		\$18,807 27
Jan. 28, J. Holz	for quarter ending December 31, 1832	1,707 30
21, E. B. Sykes	" " " " " "	31 71
April 6, E. M. Jacobs	March 31, " "	28 63
6, J. B. Crozat	" " " " " "	202 70
6, G. P. Phinney	" " " " " "	3,642 02
8, T. Keeler	" " " " " "	198 87
10, D. E. Morphy	" " " " " "	832 17
10, G. W. McCorren	" " " " " "	89 79
11, J. B. Boisseau	" " " " " "	200 20
13, Stephen Davis	" " " " " "	28 28
13, R. Scott	" " " " " "	858 90
15, H. H. McLean	" " " " " "	206 34
18, H. Flynn	" " " " " "	20 36
20, G. Léaumont	" " " " " "	227 07
21, J. Holz	" " " " " "	2,062 00
22, Isaac T. Hart	" " " " " "	48 85
28, James Hoffman	" " " " " "	1,317 67
May 18, R. T. Montgomery	" " " " " "	1,812 81
June 30, E. M. Jacobs	June 30, " "	32 61
30, J. B. Crozat	" " " " " "	31 38
30, G. P. Phinney	" " " " " "	547 26
30, J. P. Boisseau	" " " " " "	247 71
30, H. H. McLean	" " " " " "	204 58
30, D. E. Morphy	" " " " " "	674 57
30, T. Keeler	" " " " " "	218 17
30, F. F. Trinchard	" " " " " "	148 49
30, R. T. Montgomery	" " " " " "	1,694 55
30, G. Léaumont	" " " " " "	149 15
30, W. P. Vincent	" " " " " "	430 23
30, Isaac T. Hart	" " " " " "	19 22
30, J. Hoffman	" " " " " "	1,537 83
30, Stephen Davis	" " " " " "	37 80
30, R. Scott	" " " " " "	234 77
30, J. Holz	" " " " " "	1,393 97
30, G. W. McCorren	" " " " " "	113 39
Oct. 6, E. M. Jacobs	Sept. 30, " "	63 05
8, T. Keeler	" " " " " "	32 61
9, J. B. Boisseau	" " " " " "	187 44
9, J. P. Phinney	" " " " " "	226 70
9, J. B. Crozat	" " " " " "	2 33
10, G. Léaumont	" " " " " "	109 50
10, S. Davis	" " " " " "	18 37
12, F. F. Trinchard	" " " " " "	136 40
12, W. P. Vincent	" " " " " "	100 83
12, H. H. McLean	" " " " " "	81 42
15, D. E. Morphy	" " " " " "	534 17
16, R. Scott	" " " " " "	73 53
17, G. W. McCorren	" " " " " "	66 74
17, James Hoffman	" " " " " "	1,207 60
19, J. Holz	" " " " " "	923 10
26, B. Turpin	" " " " " "	1,522 35
30, George E. Tyler	" " " " " "	4,122 53

Amount carried forward..... \$48,605 58

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Amount brought forward	\$48,605 58
31, R. T. Montgomery, for quarter ending Sept. 30, 1862	536 85
Dec. 31, E. M. Jacobs	27 80
31, J. B. Crozat	25 33
31, G. W. McCerren	425 37
30, J. P. Boisseau	139 03
30, Jos. Holz	158 53
30, G. Leauumont	461 58
30, R. Scott	199 76
30, F. P. Trinchard	131 75
30, B. Turpin	367 22
30, Wm. P. Vincent	1,088 53
30, T. Keeler	189 78
30, Julian Neville	111 07
30, James Hoffman	1,472 66
30, G. A. Hall	86 99
30, H. H. McLean	91 66
30, Stephen Davis	22 18
30, Anthony Fernandez	67 12
30, D. E. Morphy	600 85
30, R. B. Sykes	241 97
30, G. E. Tyler for two quarters	1,518 42
30, J. Fleury	66 17
1864.	
Feb. 6, G. P. Phinney	53 65
	\$57,516 51

STATEMENT B—CONTINUED.

Showing in detail the collections of taxes from the several parishes during the term of office of the former auditor, S. H. Torry:

	GENERAL FUND.	SCHOOL FUND.	INTERNAL IMP. FUND.
ROLLS OF 1861—NEW ORLEANS.			
<i>First District—W. R. Crain, Collector.</i>			
State Tax, proper	\$74,106 30		
Mill Tax		44,395 65	
Internal Improvement Tax			11,088 45
Poll Tax		3,822 00	
Licenses of 1862	45,332 00		
<i>Second District—D. W. C. Campbell, Col.</i>			
State Tax, proper	25,227 13		
Mill Tax		15,136 80	
Internal Improvement Tax			3,784 07
Poll Tax		966 00	
Licenses of 1862	16,910 00		
<i>Third District—Chas. B. Lang, Col.</i>			
State Tax, proper	9,646 91		
Mill Tax		5,864 54	
Internal Improvement Tax			1,464 13
Poll Tax		686 00	
Licenses of 1862	6,827 50		
Amount carried forward	\$178,049 84	\$70,370 49	\$16,246 65

	GENERAL FUND.	SCHOOL FUND.	INTERNAL IMP. FUND.
Amount brought forward.....	\$171,222 34	\$70,370 49	\$16,346 65
<i>Fourth District—John L. Davies, Col.</i>			
State Tax, proper.....	13,283 40		
Mill Tax.....		7,949 38	
Internal Improvement Tax.....			1,987 08
Poll Tax.....		1,089 00	
Licenses of 1862.....	8,655 00		
<i>ORLEANS, RIGHT BANK—G. C. Fry, Col.</i>			
State Tax, proper.....	1,286 91		
Mill Tax.....		830 16	
Internal Improvement Tax.....			211 96
Poll Tax.....		6 00	
<i>PARISH OF JEFFERSON—Jno. E. Schaffer, Collector.</i>			
State Tax.....	5,984 50		
Mill Tax.....		3,581 51	
Internal Improvement Tax.....			922 35
Poll Tax.....		498 00	
Licenses of 1862.....	745 00		
<i>PARISH OF PLAQUEMINES—Robt. John- son, Collector.</i>			
State Tax, proper.....	10,080 05		
Mill Tax.....		6,015 93	
Internal Improvement Tax.....			1,542 72
Poll Tax.....		218 00	
Licenses of 1863.....	300 00		
<i>PARISH OF ST. BERNARD—J. M. Serpas, Collector.</i>			
State Tax, proper.....	1,338 86		
Mill Tax.....		806 56	
Internal Improvement Tax.....			201 67
Poll Tax.....		133 00	
<i>ON ROLLS OF 1862—NEW ORLEANS.</i>			
<i>First District—W. R. Crain, Collector.</i>			
State Tax, proper.....	44,012 69		
Mill Tax.....		26,403 25	
Internal Improvement Tax.....			6,600 51
Poll Tax.....		1,473 00	
Licenses of 1863.....	45,125 00		
Licenses of 1864.....	825 00		
<i>Second District—D. W. C. Campbell, Col.</i>			
State Tax, proper.....	35,220 12		
Mill Tax.....		\$159,351 25	
Internal Improvement Tax.....		21,132 10	5,283 04
Poll Tax.....			
Licenses of 1863.....	42,985 00	1,439 00	
<i>Third District—Charles B. Lang, Col.</i>			
State Tax, proper.....	9,457 82		
Amount carried forward.....	\$ 75,421 69	\$431,026 14	\$33,095 98

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	GENERAL FUND.	SCHOOL FUND.	INTERNAL IMP. FUND.
Amount brought forward.....	\$ 75,421 69	\$431,026 14	\$33,095 98
Mill Tax.....		5,656 19	
Internal Improvement Tax.....			1,411 65
Poll Tax.....		511 00	
Licenses of 1863.....	14,310 00		
Fourth District—John L. Davies, Col.			
State Tax, proper.....	11,206 68		
Mill Tax.....		6,723 68	
Internal Improvement Tax.....			1,680 77
Poll Tax.....		968 00	
Licenses of 1863.....	11,015 00		
Licenses of 1864.....	130 00		
ORLEANS, RIGHT BANK—G. C. Fory, Col.			
State Tax, proper.....	1,420 25		
Mill Tax.....		853 01	
Internal Improvement Tax.....			233 96
Poll Tax.....		150 00	
Licenses of 1863.....	985 00		
PARISH OF JEFFERSON—Jno. E. Schaffer, Collector.			
State Tax, proper.....	3,361 99		
Mill Tax.....		2,017 99	
Internal Improvement Tax.....			507 07
Poll Tax.....		526 00	
Licenses of 1863.....	1,640 00		
PARISH OF ST. BERNARD—J. M. Serpas, Collector.			
State Tax, proper.....	404 42		
Mill Tax.....		243 64	
Internal Improvement Tax.....			60 91
Poll Tax.....		10 00	
Licenses of 1863.....	195 00		
PARISH OF ST. JAMES—P. M. Lapice, Col.			
Licenses of 1863.....	725 00		
PARISH OF ST. JOHN BAPTIST—P. B. Marmillion, Collector.			
Licenses of 1863.....	910 00		
PARISH OF ASSUMPTION—Jos. D. Ford, Collector.			
Licenses of 1863.....	684 00		
Total.....	\$444,356 53	\$519,604 89	\$36,990 34

REDEMPTION OF LANDS.

The receipts under this head were all from Jefferson parish, except one item of \$10 31 from Orleans parish. The reason of this is, that the records of forfeited land on file in the auditor's office were either removed by the Confederate authorities or destroyed by fire at the time of the burning of the

State House at Baton Rouge, and no duplicates have yet been obtained, except from Jefferson parish.

The \$3,816 14, mentioned as "received from other sources," was received as follows, viz: From Capt. Norcross for mess plates furnished by the State to the Louisiana volunteers, and afterwards turned over to the U. S. Government, \$169 14. From U. D. Terrebonne, sealer of weights and measures for the Second and Third Districts of New Orleans, for fines collected, \$39 04. From Joseph Hernandez, former State tax collector for the Second District of New Orleans, amount refunded to the State for expenses of reorganizing the office of State tax collector of the Second District of New Orleans, in consequence of the destruction of the records of the office, \$454. From Moses Bates, financial agent, state penitentiary, a draft endorsed by Gen. B. F. Butler and Gen. Shepley, in favor of T. C. A. Dexter, treasurer, \$3,148.

STATEMENT C.

Showing the disbursements from the treasury during the term of office of S. H. Torry, former auditor, as exhibited by his books and vouchers.

FROM THE GENERAL FUND.

As salaries in executive department.....	\$6,816 86
As contingent expenses of executive department.....	7,500 00
As office expenses.....	2,478 55
As general contingent expenses.....	8,699 29
As salaries in auditor's office.....	8,811 66
As salaries in treasurer's office.....	6,604 27
As salaries of judges.....	43,127 73
As salaries of state attorneys.....	3,068 94
As salaries of clerks of courts.....	964 90
As expenses of state library.....	1,985 00
As commissions to tax collectors.....	30,171 49
As compensation to assessors.....	19,677 86
As expenses of state penitentiary.....	14,249 29
For printing and advertising.....	6,358 40
For registry of voters.....	2,724 00
For expenses of elections.....	3,176 80
For state coupons.....	48,518 00
To the Catholic Society for Indigent Orphans.....	1,500 00
To the Orphan's Home.....	760 00
To the Ladies of Providence.....	800 00
To the St. Vincent's Asylum.....	500 00
To the Charity Hospital.....	11,389 00
To the St. Mary's Catholic Asylum.....	5,000 00
To the Jewish Widows' and Orphans' Home.....	250 00
To the St. Ann's Asylum.....	500 00
To the Camp Street Female Orphan Asylum.....	1,700 00
To the Children's Home.....	250 00
To the Female Orphan Asylum.....	1,000 00
To the Asylum of Mutes and Blind.....	1,380 00
To Capt. Hays, A. Q. M. U. S. A.....	2,693 80
For Louisiana volunteers.....	1,069 88
Total disbursements from General Fund.....	\$247,120 20

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To city of New Orleans for the Public Schools.....	\$78,870 57
To city of New Orleans for the Schools of Free Colored Chil- dren, by order of Gov. Shepley.....	1,000 00
To the Parish of Jefferson.....	3,061 95
Total disbursements from School Fund.....	\$82,932 52

(There have been no disbursements.)

Showing in detail the disbursements in Statement C.

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APPENDIX.

COMMISSIONS TO TAX COLLECTORS.

Total amount of commissions paid during the term of office of S. H. Torry :	
To W. R. Crane, First District.....	\$16,824 50
“ D. W. C. Campbell, Second District.....	10,416 41
“ Charles B. Lang, Third District.....	4,113 50
“ John L. Davies, Fourth District.....	4,283 33
“ G. C. Forey, Orleans, Right Bank.....	552 71
“ John E. Schaffer, sheriff parish of Jefferson.....	1,469 62
“ Robert Johnson, sheriff parish of Plaquemines.....	1,037 00
“ P. M. Lapice, sheriff parish of St. James.....	72 50
“ P. B. Marmillion, sheriff parish of St. John Baptist.....	62 52
“ J. M. Serpas, sheriff parish of St. Bernard.....	339 40
	<u>\$39,171 49</u>

COMPENSATION TO ASSESSORS.

Total amount of salaries and commissions paid during the term of office of S. H. Torry :	
To John A. Watkins of New Orleans.....	\$7,733 64
“ H. Millspaugh, “ “.....	2,500 00
“ H. M. Summers, “ “.....	2,500 00
“ F. Correjolles, “ “.....	2,500 00
“ T. N. Boulet, “ “.....	1,477 92
“ John E. Schaffer, of Jefferson.....	250 00
“ William Mithoff, “ “.....	842 44
“ J. Miller, “ “.....	812 86
“ William H. Toy of Orleans, Right Bank.....	407 68
“ Charles Dunwnchel, of St. Bernard.....	100 00
“ Levi Bayhi, of Plaquemines.....	553 32
	<u>\$19,677 86</u>

COUPONS ON STATE BONDS.

Total amount paid in redemption of coupons on State Bonds during the term of office of S. H. Torry :	
1862. PAID TO	
Oct. 21, Baring Brothers.....	\$6,060 00
“ 24, Thomas J. Durant.....	210 00
“ 27, R. Y. Chambourg.....	945 00
“ 28, Archibald Montgomery.....	30 00
1864.	
Feb. 27, Wm. S. Mount.....	2,850 00
“ George A. Freret.....	840 00
“ Thomas J. Durant.....	915 00
“ E. J. Forstall.....	20,070 00
“ E. H. Durell.....	720 00
“ Charles Lafitte.....	1,140 00
“ A. & M. Heine.....	810 00
“ Wm. DeLarue.....	270 00
“ Julius Koener.....	120 00
“ J. P. Labouisse.....	8,070 00
“ Charles DeLassus.....	150 00
“ J. M. G. Parker.....	120 00
“ Harman Daniel.....	5,190 00
	<u>\$48,510 00</u>

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1862.

PAID TO

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Feb.	Petty cash, sundry bills as per petty cash book	100 00
" 22,	J. Peterson for coal for treasurer and auditor's office	119 00
" 29,	H. G. Stetson for stationery	80 00
" 29,	Louisiana State Zeitung for two years subscription	20 00
Mar. 8,	Petty cash, sundry bills as per petty cash book	22 31
" 21		
" 22		
" 23		
" 27		
1882		
Oct. 28,	Paid to Henry Reed for supplies	\$399 08
" 23,	Capt. J. M. Baker for provisions during October	504 20
" 28,	Capt. John Clarke	82 36
" 29,	Capt. C. Lewis	145 54
" 29,	Capt. T. C. Lewis for salaries	973 34
Nov. 5,	E. Young for fresh meat during October	320 28
" 8,	Bertish for vegetables	38 75
" 12,	H. Mitchell for discharged convicts	150 00
" 21,		
" 28,		
1883		
Jan. 22,	City of New Orleans for support of convicts	2,587 98
Feb. 1,	H. Mitchell salaries for January	140 00
" 1,	City of New Orleans for support of convicts	217 00
" 1,	F. Young for fresh meat during January	125 87
" 1,	City of New Orleans for provisions during Jan	141 26
" 1,	J. Bertish for vegetables during January	15 30
" 1,	Boys' House of Refuge for bread	71 95
Mar. 1,	N. P. Roux, clerk, salaries for February	140 00
" 1,	H. Mitchell for supplies for February	184 80
" 1,	John Cazeau for fresh meat for February	61 46
" 1,	Goldsmith & Haber for clothing	53 50
" 1,	Louis Ruck for fresh meat for February	27 00
" 1,	Boys' House of Refuge for bread	84 43
" 1,	H. Mitchell for discharged convicts	40 00
" 1,	A. P. Roux for salaries for March	140 00
" 1,	E. Young for fresh meat for March	109 30
" 1,	Boys' House of Refuge for bread for March	103 00
" 1,	H. Mitchell, provisions, vegetables and medicine for March	195 25
" 1,	Louis Ruck for fresh meat for April	139 50
" 1,	A. P. Roux for salaries for April	140 00
" 1,	Boys' House of Refuge for bread for April	81 20
" 1,	A. P. Roux for provisions furnished for April	179 96
" 1,	John M. Gould for shoes	88 00
" 1,	H. Mitchell for salaries for May	140 00
" 1,	A. P. Roux for sundry bills for May	310 25
" 1,	Boys' House of Refuge for bread for May	109 57
" 1,	P. Schwartz for dry goods	155 53
" 1,	A. P. Roux salaries for June	140 00

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APPENDIX.

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June 30, 1862	Amount brought forward.....	\$7,518 55
June 30,	Paid to H. Mitchell for sundry bills for June.....	175 00
June 30,	" Louis Ruck for fresh meat for June.....	155 14
June 30,	" Boys' House of Refuge for bread for June.....	101 32
July 31,	" H. Mitchell for salaries for July.....	140 00
Aug 31,	" H. Mitchell for provisions, vegetables and medicines for July.....	178 90
Aug 31,	Paid Louis Ruck for fresh meat for July.....	161 75
Aug 31,	" Boys' House of Refuge for bread for July.....	88 64
Sept 31,	" H. Mitchell for salaries for August.....	140 00
Oct 31,	" Louis Ruck for fresh meat for August.....	169 75
Oct 31,	" H. Mitchell for provisions, vegetables and medicines for August.....	194 37
Oct 31,	" Boys' House of Refuge for bread for August.....	65 65
Oct 31,	" J. A. Latten for salaries for September.....	140 00
Oct 31,	" Louis Ruck for fresh meat for September.....	154 60
Oct 31,	" J. A. Latten for provisions, vegetables and medicines for September.....	177 44
Oct 31,	" Boys' House of Refuge for bread for September.....	72 66
Oct 31,	" John M. Gould for shoes.....	80 50
Nov 31,	" J. A. Latten for salaries for October.....	140 00
Nov 31,	" Louis Ruck for fresh meat for October.....	151 75
Nov 31,	" J. A. Latten for provisions and medicines for Oct.....	162 64
Nov 31,	" H. Mitchell for bread, vegetables and medicines for October.....	102 30
Nov 31,	" J. A. Latten for clothing for convicts.....	145 90
Nov 31,	" City of New Orleans for 1168 rations furnished convicts in November, at 50 cents per ration, as per contract with the city.....	584 00
Dec 31,	" M. Mitchell for salary, one year to October.....	200 00
Dec 31,	" City of New Orleans for 1168 rations in December.....	594 00
1863,	" City of New Orleans for 1118 rations in January.....	550 00
Feb 2,	" City of New Orleans for 1002 rations in February.....	501 00
1862,		\$14,249 89
1862,		
Nov 31,	Paid to Bee for publishing General Orders.....	40 00
Nov 31,	" Delta for publishing General Orders.....	353 00
Nov 31,	" Picayune for publishing General Orders.....	24 00
Nov 31,	" National Advocate for publishing General Orders.....	42 00
Dec 31,	" Picayune for publishing General Orders.....	42 00
Dec 31,	" Bee for publishing General Orders.....	64 00
Dec 31,	" Louisiana Staats Zeitung for publishing General Orders.....	62 00
1863,		
Jan 31,	" Delta for publishing General Orders.....	312 00
Feb 11,	" H. G. Stetson for printing rolls.....	850 00
Mar 31,	" Delta for publishing General Orders.....	15 00
Mar 31,	" Delta for printing for Governor's office.....	22 50
Mar 31,	" Era for printing for Governor's office.....	62 00
1863,	Amount carried forward.....	\$2,063 50

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		Amount carried forward.....	\$2,063 50
" 2,	"	Bee for publishing General Order.....	36 00
" 27,	"	Louisiana Staats Zeitung publishing General Order.....	15 00
Apr. 4,	"	H. G. Stetson, bills to date.....	100 50
" 4,	"	Era for advertising for Governor's office.....	90 00
" 6,	"	John A. Schaffer, for advertising.....	122 50
June 9,	"	Era for advertising for Governor's office.....	35 00
" 24,	"	Louisiana Staats Zeitung publishing General Order.....	57 00
" 25,	"	Era for publishing General Order.....	239 00
" 30,	"	H. G. Stetson, bills to date.....	55 00
" 30,	"	True Delta for publishing General Order.....	60 00
Aug. 17,	"	Era for publishing General Order.....	93 00
Oct. 1,	"	Louisiana Staats Zeitung publishing General Order.....	20 00
" 6,	"	Era publishing General Order.....	78 00
Nov. 5,	"	Era publishing General Order.....	120 00
" 5,	"	Era for Assessment Rolls.....	30 00
" 5,	"	New Orleans Times for publishing General Order.....	40 00
" 6,	"	l'Union for publishing General Order.....	33 00
" 6,	"	Bee, publishing Notice to Tax Payers.....	46 50
" 13,	"	Era, publishing Notice to Tax Payers.....	62 00
" 16,	"	Wm. C. Duncan for sixty registers of voters.....	150 00
Dec. 18,	"	Era, for bills to date.....	217 00
1862.			
Nov. 8,	"	Alexander Levy for bill of stationery for treasurer and auditor.....	474 75
" 12,	"	H. G. Stetson for bill of stationery for Governor's office.....	221 50
1863.			
Dec. 31,	"	H. G. Stetson for stationery for governor's and treasurer's office.....	73 65
" 31,	"	Era for bills to date.....	258 50
" 31,	"	New Orleans Times bills to date.....	30 00
" 31,	"	Louisiana Staats Zeitung, publishing General Order to date.....	220 50
1864.			
Feb. 6,	"	Era for bills to date.....	91 00
" 26,	"	l'Union, bill for governor's office.....	28 00
" 29,	"	New Orleans Bee, bills in full.....	92 00
" 29,	"	True Delta, bills in full.....	109 00
" 29,	"	New Orleans Times, bills in full.....	707 50
" 29,	"	Louisiana Staats Zeitung, bills in full.....	65 50
" 29,	"	Era, bills in full.....	155 50
Mar. 8,	"	Picayune, bills in full.....	68 00
			<u>\$6,358 40</u>

REGISTRY OF VOTERS.

1863.			
Dec. 26,	"	Paid Alfred Rougolet, parish of Terrebonne.....	\$120 00
" 26,	"	S. W. Lewis, parish of St. Mary.....	41 00
" 31,	"	S. W. Lewis, parish of St. Mary.....	154 85
" 31,	"	S. Wrotnowski, parish of Baton Rouge.....	150 00
" 31,	"	Justin Sarta, parish of Lafourche.....	190 00
		Amount carried forward.....	<u>\$ 635 85</u>

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Amount brought forward.....		\$ 655 85
1864.		
Feb. 3,	Paid J. S. Tully, parish of St. Bernard.....	200 00
" 26,	" S. W. Lewis, parish of St. Mary.....	204 15
" 29,	" S. Wrotnowski, parish of Baton Rouge.....	421 50
" 29,	" J. S. Tully, parish of St. Bernard.....	213 00
" 29,	" G. C. Forry, parish of Orleans, Right Bank.....	232 50
" 22,	" A. Rouglet, parish of Terrebonne.....	367 00
Mar. 5,	" L. O'Brien, parish of St. James.....	301 00
" 8,	" Justin Sarta, parish of Lafourche.....	129 00
		<hr/> \$2,724 00 <hr/>

SALARIES IN EXECUTIVE DEPARTMENT.

1862.		
Nov. 7,	Paid J. F. Miller, secretary of state, to October 31.....	\$340 00
" 7,	" A. G. Bowles, chief clerk, to October 31.....	226 66
" 7,	" A. R. DaCosta, messenger.....	100 00
" 7,	" W. W. Ruby, porter.....	70 00
" 7,	" J. F. Dresser, clerk.....	30 00
" 27,	" James E. Dunham, secretary of state.....	150 00
Dec. 2,	" A. G. Bowles, clerk, to November 30.....	100 00
" 2,	" James F. Miller, secretary of state, to November 30.....	150 00
" 10,	" J. F. Dresser, clerk, to November 30.....	30 00
" 10,	" A. R. DaCosta, messenger, to November 30.....	50 00
" 31,	" James F. Miller, secretary of state, to December 31.....	150 00
" 31,	" A. G. Bowles, chief clerk, to December 31.....	100 00
" 31,	" J. F. Dresser, clerk, to December 31.....	30 00
" 31,	" A. R. DaCosta, messenger, to December 31.....	50 00
1863.		
Jan. 3,	Paid W. W. Ruby, porter, for two months to Dec. 31....	60 00
Feb. 2,	" A. R. DaCosta, messenger, to January 31.....	50 00
" 2,	" James F. Miller, secretary of state, to January 31..	150 00
" 2,	" J. F. Dresser, clerk, to January 31.....	30 00
" 2,	" A. G. Bowles, chief clerk, to January 31.....	100 00
" 28,	" Charles C. G. Thornton, secretary of state, to Feb. 28	150 00
Mar. 2,	" James C. Shepley, secretary, two months, to Feb. 28.	200 00
" 2,	" A. G. Bowles, clerk, to February 28.....	100 00
" 2,	" A. R. DaCosta, messenger, to February 28.....	50 00
" 2,	" J. F. Dresser, clerk, to February 28.....	50 00
" 31,	" A. G. Bowles, clerk, to March 31.....	100 00
Apr. 1,	" James C. Shepley, secretary, to March 31.....	100 00
" 1,	" J. F. Dresser, clerk, to March 31.....	50 00
" 1,	" A. R. DaCosta, messenger, to March 31.....	50 00
" 4,	" W. W. Ruby, porter, to March 31.....	115 00
May 1,	" A. G. Bowles, clerk, to April 30.....	100 00
" 1,	" J. F. Dresser, clerk, to April 30.....	50 00
" 1,	" J. C. Shepley, secretary, to April 30.....	100 00
" 1,	" A. R. DaCosta, messenger, to April 30.....	50 00
" 4,	" J. K. Darling, clerk, six months to April 30.....	300 00
" 21,	" A. G. Bowles, clerk, to May 31.....	100 00
June 1,	" James C. Shepley, secretary, salary to May 31.....	100 00
" 1,	" James F. Dresser, clerk, to May 31.....	50 00
Amount carried forward.....		<hr/> \$3,781 66 <hr/>

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	Amount brought forward	\$ 3,781 66
June 1,	Paid J. K. Darling, clerk, to May 31.....	50 00
" 1,	" A. R. DaCosta, messenger, to May 31.....	50 00
" 30,	" A. R. DaCosta, messenger, salary to June 30.....	50 00
" 30,	" James C. Shepley, secretary of state, to June 30.....	150 00
" 30,	" A. G. Bowles, clerk, to June 30.....	100 00
" 30,	" James K. Darling, clerk, to June 30.....	100 00
" 30,	" James F. Dresser, clerk, to June 30.....	50 00
" 30,	" W. W. Ruby, porter, three months at \$35.....	105 00
July 31,	" James C. Shepley, secretary of state, to July 31....	150 00
" 31,	" A. G. Bowles, clerk, to July 31.....	100 00
" 31,	" James K. Darling, clerk, to July 31.....	100 00
" 31,	" James F. Dresser, clerk, to July 31.....	50 00
" 31,	" David Cavalho, clerk, to July 31.....	50 00
Aug. 4,	" A. R. DaCosta, messenger, to July 31.....	50 00
" 31,	" James C. Shepley, secretary of state, to Aug. 31....	150 00
" 31,	" A. G. Bowles, clerk, to Aug. 31.....	100 00
" 31,	" James F. Dresser, clerk, to Aug. 31.....	50 00
Sept. 1,	" W. W. Ruby, porter, two months, at \$35, to Aug. 31	70 00
Oct. 1,	" James C. Shepley, secretary of state, to Sept. 30....	150 00
" 3,	" James F. Dresser, clerk, to Sept. 30.....	50 00
" 6,	" James K. Darling, clerk, for August.....	100 00
" 8,	" A. G. Bowles, clerk, to Sept. 30.....	100 00
" 31,	" James C. Shepley, secretary of state, to Oct. 31.....	150 00
" 31,	" James F. Dresser, clerk, to Oct. 31.....	50 00
" 31,	" W. W. Ruby, porter, two months, at \$35.....	70 00
Nov. 30,	" James F. Dresser, clerk, salary to Nov. 30.....	50 00
" 30,	" Henry Duboc, clerk, salary to Nov. 30.....	50 00
Dec. 3,	" James C. Shepley, secretary of state, to Nov. 30....	150 00
" 31,	" James F. Dresser, clerk, salary to Dec. 31.....	50 00
" 31,	" James C. Shepley, secretary of state, to Dec. 31.....	150 00
" 31,	" Henry Duboc, clerk, salary to Dec. 31.....	50 00
1864.		
Feb. 1,	" James F. Dresser, clerk, salary to date.....	50 00
" 1,	" Henry A. Duboc, clerk, salary to date.....	50 00
" 29,	" Henry A. Duboc, clerk, salary to date.....	50 00
" 29,	" James F. Dresser, clerk, salary to date.....	50 00
" 29,	" W. W. Ruby, four months' wages, at \$35 per month.	140 00

\$6,816 66

SALARIES IN THE TREASURER'S AND AUDITOR'S DEPARTMENT.

1862.		
Dec. 31,	Paid T. C. A. Dexter, state treasurer, quarter to Dec. 31..	\$638 89
" 31,	" D. L. Gibbens, clerk to state treasurer, two months, to December 31.....	333 33
" 31,	" Charles H. Schaeffer, clerk to state treasurer, one month, to December 31.....	166 66
1863.		
Feb. 2,	" D. L. Gibbens, clerk to state treasurer, one month to January 31.....	166 66
" 2,	" D. L. Gibbens, clerk to state treasurer, one month to February 28.....	166 66
	Amount carried forward	\$152 19

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	Amount brought forward.....	\$ 152 19
Mar. 31,	Paid T. C. A. Dexter, state treasurer, quarter to March 31.	625 00
" 31,	" Charles H. Schaeffer, clerk to state treasurer, one month to March 31.....	166 66
May 1,	" Charles H. Schaeffer, clerk to state treasurer, one month to April 30.....	166 66
June 1,	" Samuel H. Torrey, auditor, to March 30.....	2,200 00
" 1,	" Charles H. Schaeffer, clerk to treasurer, to May 31..	166 66
" 30,	" T. C. A. Dexter, treasurer, to June 30.....	625 00
" 30,	" Charles H. Schaeffer, clerk to treasurer, to June 30..	166 66
" 30,	" Samuel H. Torrey, auditor, to June 30.....	1,000 00
" 30,	" W. B. Lowe, auditor's clerk, to June 30.....	1,500 00
July 31,	" Charles H. Schaeffer, clerk, treasurer's department, to July 31.....	166 66
Aug. 31,	" Charles H. Schaeffer, clerk, treasurer's department, to August 31.....	166 66
Oct. 1,	" T. C. A. Dexter, treasurer, one quarter to Sept. 30..	625 00
" 1,	" Charles H. Schaeffer, clerk to treasurer, one month to Sept. 30.....	166 66
" 10,	" Samuel H. Torrey, auditor, to Sept. 30.....	1,000 00
" 10,	" W. B. Lowe, auditor's clerk, to Sept. 30.....	500 00
" 31,	" Charles H. Schaeffer, treasurer's clerk, to Oct. 31..	166 66
Nov. 30,	" Charles H. Schaeffer, treasurer's clerk, to Nov. 30..	166 66
Dec 31,	" T. C. A. Dexter, treasurer, to Dec. 31.....	625 00
" 31,	" Charles H. Schaeffer, treasurer's clerk, to Dec. 31..	166 66
1864.		
Feb. 1,	" Charles H. Schaeffer, treasurer's clerk, to Jan. 31....	166 66
Mar. 9,	" T. C. A. Dexter, treasurer, in full to date.....	479 16
" 9,	" Charles H. Schaeffer, treasurer's clerk, in full to date	216 66
" 9,	" W. B. Lowe, auditor's clerk, in full to date.....	883 33
" 9,	" Samuel H. Torrey, auditor, in full to date.....	1,728 33
		<u>\$15,312 93</u>

SALARIES OF JUDGES.

1862.		
Oct. 18,	Paid R. K. Howell, Sixth District Court of New Orleans, two quarters to Sept. 30.....	\$2,500 00
Nov. 18,	" A. M. Buchanan, Supreme Court, quarter to Sept. 30	1,250 00
Dec. 29,	" E. White, Second Judicial District, quarter to Dec. 31	6,022 20
" 30,	" E. Hiestand, Third District Court of New Orleans, quarter to December 31.....	1,291 66
" 31,	" R. K. Howell, Sixth District Court of New Orleans, quarter to December 31.....	1,250 00
1863.		
Jan. 2,	" J. S. Whitaker, Second District Court of New Orleans, quarter to December 31.....	1,527 77
" 3,	" A. M. Buchanan, Supreme Court, quarter to Dec. 31	1,250 00
April 1,	" R. K. Howell, Sixth District Court of New Orleans, quarter to March 31.....	1,250 00
" 1,	" E. Hiestand, Third District Court of New Orleans, quarter to March 31.....	1,250 00
" 4,	" E. White, Second Judicial District Court, to Mar. 31,	1,000 00
	Amount carried forward.....	<u>\$8,591 63</u>

	Amount brought forward.....	\$ 8,591 63
Apr. 11,	Paid J. S. Whitaker, Second District Court of New Orleans, quarter to March 31.....	1,250 00
" 20,	" Wm. H. Knight, Third Judicial District, to March 31.....	977 78
May 5,	" A. M. Buchanan, Supreme Court, quarter to Mar. 31.....	1,250 00
June 5,	" E. Hiestand, for Fourth and Fifth District Courts of New Orleans, per order.....	1,000 00
" 6,	" J. S. Whitaker, for Fourth and Fifth District Courts of New Orleans, per order.....	1,000 00
" 9,	" R. K. Howell, for Fourth and Fifth District Courts of New Orleans, per order.....	1,000 00
" 25,	" J. S. Whitaker, Second District Court of New Orleans, one quarter to June 30.....	1,250 00
" 26,	" R. K. Howell, Sixth District Court of New Orleans, one quarter to June 30.....	1,250 00
" 29,	" E. White, Second Judicial District Court, to June 30.....	1,000 00
" 30,	" E. Hiestand, Third District Court of New Orleans, to June 30.....	1,250 00
Aug. 15,	" W. H. Knight, Third Judicial Dist Court, to June 30.....	1,000 00
Oct. 1,	" E. White, Second Judicial District Court, one quarter to September 30.....	1,000 00
" 6,	" W. H. Knight, Third Judicial District Court, one quarter to September 30.....	1,000 00
" 7,	" R. K. Howell, Sixth District Court of New Orleans, one quarter to September 30.....	1,250 00
" 8,	" J. S. Whitaker, Second District Court of New Orleans, one quarter to September 30.....	1,250 00
" 12,	" E. Hiestand, Third District Court of New Orleans, one quarter to September 30.....	1,250 00
Dec. 31,	" W. H. Knight, Third Judicial District Court, one quarter to December 31.....	1,000 00
" 31,	" E. Hiestand, First District Court of New Orleans, one quarter to December 31.....	1,250 00
" 31,	" E. White, Second Judicial District Court, one quarter to December 31.....	1,000 00
" 31,	" R. K. Howell, Sixth District Court of New Orleans, one quarter to December 31.....	1,250 00
" 31,	" J. S. Whitaker, Second District Court of New Orleans, one quarter to December 31.....	1,250 00
" 31,	" Chas. A. Peabody, chief justice Supreme Court, from April 15 to December 31.....	3,541 66
" 31,	" W. W. Handlin, Third District Court of New Orleans, from November 3d to December 31.....	791 66
1864.		
Mar. 5,	" J. S. Whitaker, Second District Court of New Orleans, to March 4th, 1864.....	875 00
" 5,	" J. S. Whitaker, under governor's order.....	600 00
		<u>\$43,127 73</u>

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SALARIES OF STATE ATTORNEYS.

1863.		
Nov. 14,	To B. L. Lynch, 2d Judicial District, to Oct. 1st, 1863, at \$800	\$565 35
Dec. 31,	To J. W. Thomas, 1st Judicial District, to date.....	388 88
1864.		
Jan. 30,	To Thos. J. Durant, attorney general, from June 10, 1863, to date	2,109 71
		<u>\$3,063 94</u>

SALARIES OF CLERKS OF COURTS.

1863.		
Dec. 31,	To Henry Train, clerk First District Court of New Orleans, to date.....	\$914 90
" 31,	To L. Lombard, Plaquemines parish.....	50 00
		<u>\$964 90</u>

STATE LIBRARY.

1862.		
Dec. 16,	Paid to Joseph Shaw, bill fixing shelves	\$200 00
" 31,	" Geo. Robinson, librarian, salary, Dec. 31.....	100 00
1863.		
Jan. 10,	Paid Joseph Shaw, repairs to library room.....	190 00
" 27,	G. F. Rogers, laborer, 32 days, at \$1 50.....	48 00
Feb. 2,	Geo. Robinson, salary to Jan. 31.....	100 00
" 28,	" " Feb. 28.....	100 00
Apr. 1,	" " March 31.....	100 00
" 4,	H. G. Stetson, bill stationery.....	35 00
May 5,	Geo. Robinson, salary to April 30.....	100 00
June 1,	H. Copeland, repairs.....	12 00
" 2,	Geo. Robinson, salary to May 31.....	100 00
" 30,	" " June 30.....	100 00
July 31,	" " July 31.....	100 00
Aug. 31,	" " August 31.....	100 00
Oct. 3,	" " Sept. 30.....	100 00
Nov. 2,	" " Oct. 31.....	100 00
Dec. 3,	" " Nov. 30.....	100 00
" 31,	" " Dec. 31.....	100 00
1864.		
Feb. 1,	" " Jan. 31.....	100 00
" 29,	" " in full.....	100 00
		<u>\$1,985 00</u>

ELECTION EXPENSES.

1864.	PAID TO		
Feb. 26,	Chas. Smith, sheriff of St. Mary, election of Feb. 22, 1864	\$120 00	
" 27,	J. Stewart, " Ascension, " " " ..	150 00	
" 29,	J. D. Ford, " Assumption, " " " ..	1,678 50	
" 27,	A. Virrett, " Terrebonne, " " " ..	1,228 00	
		<u>\$3,178 50</u>	

APPENDIX.

LOUISIANA VOLUNTEERS.

1863.		
June 30,	Paid T. C. A. Dexter, for bill of hospital supplies.....	\$152 00
Aug. 17,	E. Derechant " " ".....	204 50
Sept. 14,	Stodard Howell " " ".....	258 57
"	S. S. Simonds for bill of cups and mess-plates.....	255 01
"	W. C. Duncan for flag for 1st La. regiment vol., Colonel Robinson.....	200 00
		<hr/>
		<u>\$1,069 88</u>

The account of \$2,698 80 paid to Capt. Hawes, A. Q. M. U. S. A., was in reimbursement of money collected by the former Auditor of Geo. E. Tyler as auction duty on certain sales made by him of United States property, which property, by the law of this State, was exempt from duty.

The money was returned to the United States Government by order of Governor Shepley.

STATEMENT B,
Showing the amount of Current School Fund received from and apportioned to the several parishes within the Federal
lines, up to March 9, 1864.

Received from New Orleans on Assessment Rolls of 1861 {	Mill Tax.....	\$73,435 87		
	Poll Tax.....	6,063 00		
Received from New Orleans on Assessment Rolls of 1862 {	Mill Tax.....	59,915 22	\$79,408 87	
	Poll Tax.....	4,391 00		
Paid New Orleans for Public Schools.....			64,306 22	\$143,715 09
Paid New Orleans for Free Colored Schools, by order of Gov. Shepley.....			78,870 57	
Balance in Treasury, March 9, 1864, collected from New Orleans.....			1,000 00	79,870 57
Received from Parish of Jefferson on Rolls of 1861 {	Mill Tax.....	\$3,581 51		\$63,844 52
	Poll Tax.....	498 00		
Received from Parish of Jefferson on Rolls of 1862 {	Mill Tax.....	\$2,017 99	\$4,079 51	
	Poll Tax.....	526 00		
Paid Parish of Jefferson for Public Schools.....			2,543 99	\$6,623 50
Balance in the Treasury, March 9, 1864, collected from Parish of Jefferson.....				3,061 95
Received from Parish of Plaquemines on Rolls of 1861 {	Mill Tax.....	\$6,015 93		\$3,561 55
	Poll Tax.....	218 00		
Total amount in Treasury, March 9, 1864, from Parish of Plaquemines.....				\$6,233 93

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STATEMENT E—CONTINUED.

Received from Orleans, Right Bank, on Rolls of 1861 {	Mill Tax.....	\$850 16	
	Poll Tax.....	6 00	\$856 16
Received from Orleans, Right Bank, on Rolls of 1862 {	Mill Tax.....	853 01	
	Poll Tax.....	150 00	1,003 01
Total amount in Treasury, March 9, 1864, from Orleans, Right Bank.....			\$1,859 17
Received from Parish of St. Bernard on Rolls of 1861 {	Mill Tax.....	\$806 56	
	Poll Tax.....	133 00	\$939 56
Received from Parish of St. Bernard on Rolls of 1862 {	Mill Tax.....	243 64	
	Poll Tax.....	10 00	253 64
Total amount in Treasury, March 9, 1864, from Parish of St. Bernard.....			\$1,193 20

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The Confederate notes previously mentioned, being considered worthless, I have omitted them in the subsequent calculations of this report.

Of the \$372,592 83, balance of current funds in the State Treasury on the 9th of March, 1864, \$33,580, was notes of the Bank of New Orleans, which, though current at that time, have since depreciated in value, reducing the actual amount of current funds then in the Treasury to\$338,712 83
Total amount received from all sources from March 9th, 1864, to

September 30th, 1864..... 349,785 86

Total.....\$688,498 69

Total disbursements from March 9th, 1864, to Sept. 30th, 1864..\$541,347 22

Balance of current funds in Treasury Sept. 30th, 1864.....\$147,451 47

Notes of the Bank of New Orleans..... 33,580 00

Total.....\$181,031 47

STATEMENT F,

Showing the various sources of revenue and the funds to which the receipts were credited.

GENERAL FUND.

Received as auction duties.....\$ 15,526 86

Received as State tax, proper..... 115,475 44

Received as licenses on trades, etc..... 125,398 35

Received for redemption of lands..... 617 50

Received from other sources..... 500 00

Total.....\$257,518 15

SCHOOL FUND.

Received as mill tax\$ 69,291 54

Received as poll tax 5,658 00

Total.....\$ 74,949 54

INTERNAL IMPROVEMENT FUND.

Received as internal improvement tax..... \$17,318 17

Total.....\$349,785 86

STATEMENT G,

Showing in detail the several amounts mentioned in Statement F.

AUCTION DUTIES,

1864.

Apr. 4, E. M. Jacobs, quarter to March 31st, 1864..... \$ 74 40

" 4, J. B. Crozat " " " " 9 55

" 4, Julian Neville, " " " " 1 95

" 4, W. H. Bunnell, " " " " 15 80

" 6, G. W. McCarren, " " " " 182 36

Amount carried forward.... \$ 284 06

Amount brought forward.....				\$ 284 06
1864.				
Apr. 6,	R. T. Montgomery,	"	Dec. 31st, 1863.....	} 1,866 78
" 6,	"	"	March 31st, 1864.....	
" 8,	Geo. E. Tyler,	"	" " "	142 20
" 8,	Stephen Davis,	"	" " "	43 68
" 8,	R. Scott,	"	" " "	42 81
" 8,	J. P. Boisseau,	"	" " "	206 07
" 8,	Placide J. Spear,	"	" " "	9 64
" 8,	D. E. Morphy,	"	" " "	641 47
" 8,	William P. Vincent,	"	" " "	520 47
" 9,	James Hoffman,	"	" " "	1,590 38
" 9,	G. Léaumont,	"	" " "	670 48
" 11,	F. F. Trinchard,	"	" " "	130 05
" 12,	G. A. Hall,	"	" " "	2 35
" 16,	Bernard Turpin,	"	" " "	306 86
" 16,	G. P. Phinney,	"	" " "	78 33
" 18,	H. H. McLean,	"	" " "	12 78
" 20,	Joseph Holtz,	"	" " "	1,269 60
1864.				
Apr. 22,	R. Guitterrez, (7 quarters,)	"	" " "	251 88
July 2,	G. W. McCerren,	"	June 30, 1864.....	156 82
" 5,	E. M. Jacobs,	"	" " "	55 23
" 5,	J. B. Crozat,	"	" " "	18 85
" 5,	P. J. Spear,	"	" " "	150 81
" 7,	R. Scott,	"	" " "	52 14
" 7,	G. Léaumont,	"	" " "	840 08
" 7,	W. H. Bunnell,	"	" " "	4 09
" 9,	D. E. Morphy,	"	" " "	767 87
" 9,	Bernard Turpin,	"	" " "	538 22
" 8,	J. P. Boisseau,	"	" " "	275 17
" 9,	Stephen Davis,	"	" " "	35 00
" 12,	Joseph Holz,	"	" " "	1,192 32
" 9,	James Hoffman,	"	" " "	1,387 11
" 9,	William P. Vincent,	"	" " "	529 20
" 9,	Julian Neville,	"	" " "	8 67
" 11,	R. T. Montgomery,	"	" " "	1,208 77
" 11,	G. P. Phinney,	"	" " "	16 72
" 11,	F. F. Trinchard,	"	" " "	122 40
" 11,	Tyler & Hall,	"	" " "	68 55
" 13,	R. Guitterrez,	"	" " "	28 95
				<u>\$15,526 86</u>

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STATEMENT G—CONTINUED.

Showing in detail the collections of taxes from the several parishes from
March 9th to August 31st, 1864.

	GENERAL FUND.	SCHOOL FUND.	INTERNAL IMP. FUND.
ON ROLLS OF 1860—NEW ORLEANS.			
<i>First District—W. T. Stocker, Collector.</i>			
State Tax, proper.....	\$ 3 00		
Mill Tax.....		1 80	
Internal Improvement Tax.....			45
Poll Tax.....		1 00	
ON ROLLS OF 1861—NEW ORLEANS.			
<i>First District—W. T. Stocker, Collector.</i>			
State Tax, proper.....	448 98		
Mill Tax.....		269 40	
Internal Improvement Tax.....			67 33
Poll Tax.....		21 00	
<i>Second District—D. W. C. Campbell, Col.</i>			
State Tax, proper.....	767 08		
Mill Tax.....		460 26	
Internal Improvement Tax.....			115 06
Poll Tax.....		29 00	
<i>Third District—Chas. B. Lang, Col.</i>			
State Tax, proper.....	532 48		
Mill Tax.....		319 50	
Internal Improvement Tax.....			79 90
Poll Tax.....		25 00	
<i>Fourth District—John L. Davies, Col.</i>			
State Tax, proper.....	462 10		
Mill Tax.....		277 20	
Internal Improvement Tax.....			69 30
Poll Tax.....		13 00	
<i>PARISH OF JEFFERSON—Jno. E. Schaffer, Collector.</i>			
State Tax.....	581 43		
Mill Tax.....		411 71	
Internal Improvement Tax.....			103 90
Poll Tax.....		67 00	
<i>ORLEANS, RIGHT BANK—G. H. Flagg, Col.</i>			
State Tax, proper.....	13 33		
Mill Tax.....		8 00	
Internal Improvement Tax.....			2 00
Poll Tax.....		1 00	
ON ROLLS OF 1862—NEW ORLEANS.			
<i>First District—W. T. Stocker, Collector.</i>			
State Tax, proper.....	27,474 43		
Mill Tax.....		16,484 65	
Internal Improvement Tax.....			4,121 14
Poll Tax.....		612 00	
<i>Second District—D. W. C. Campbell, Col.</i>			
State Tax, proper.....	5,879 90		
Amount carried forward.....	\$ 36,162 73	\$ 19,001 52	\$ 4,559 08

	GENERAL FUND.	SCHOOL FUND.	INTERNAL IMP. FUND.
Amount brought forward.....	\$ 36,162 73	\$ 19,001 52	\$ 4,559 08
Mill Tax.....		3,527 95	
Internal Improvement Tax.....			881 97
Poll Tax.....		146 00	
Third District—Charles B. Lang, Col.			
State Tax, proper.....	2,022 69		
Mill Tax.....		1,215 74	
Internal Improvement Tax.....			304 32
Poll Tax.....		80 00	
Fourth District—John L. Davies, Col.			
State Tax, proper.....	3,386 41		
Mill Tax.....		2,031 69	
Internal Improvement Tax.....			507 90
Poll Tax.....		174 00	
PARISH OF JEFFERSON—Jno. E. Schaffer, Collector.			
State Tax, proper.....	1,270 27		
Mill Tax.....		743 07	
Internal Improvement Tax.....			188 37
Poll Tax.....		133 00	
PARISH OF PLAQUEMINES—Robt. John- son, Collector.			
State Tax, proper.....	2,477 00		
Mill Tax.....		1,470 00	
Internal Improvement Tax.....			366 00
Poll Tax.....		112 00	
ORLEANS, RIGHT BANK—G. H. Fagg, Col.			
State Tax, proper.....	16 66		
Mill Tax.....		10 00	
Internal Improvement Tax.....			2 50
Poll Tax.....		3 00	
ON ROLLS of 1863—NEW ORLEANS.			
First District—W. T. Stocker, Collector.			
State Tax, proper.....	23,312 53		
Mill Tax.....		19,987 55	
Internal Improvement Tax.....			4,996 89
Poll Tax.....		1,690 00	
Licenses of 1863.....	345 00		
Licenses of 1864.....	68,040 00		
Second District—D. W. C. Campbell, Col.			
State Tax, proper.....	21,439 10		
Mill Tax.....		12,865 55	
Internal Improvement Tax.....			3,215 88
Poll Tax.....		944 00	
Licenses of 1864.....	27,740 00		
Third District—C. B. Lang, Collector.			
State Tax, proper.....	5,363 50		
Mill Tax.....		3,200 52	
Internal Improvement Tax.....			801 40
Amount carried forward.....	\$191,575 89	\$ 67,735 59	\$15,824 31

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	GENERAL FUND.	SCHOOL FUND.	INTERNAL IMP. FUND.
Amount brought forward.....	\$191,575 89	\$ 67,735 59	\$15,824 31
Poll Tax.....		661 00	
Licenses of 1864.....	14,390 00		
Fourth District— <i>John L. Davies, Col.</i>			
State Tax, proper.....	7,041 20		
Mill Tax.....		4,224 55	
Internal Improvement Tax.....			1,056 12
Poll Tax.....		464 00	
Licenses of 1864.....	10,663 35		
PARISH OF JEFFERSON— <i>Jno. E. Schaffer,</i> <i>Collector.</i>			
State Tax, proper.....	2,793 70		
Mill Tax.....		1,659 30	
Internal Improvement Tax.....			408 59
Poll Tax.....		455 00	
Licenses of 1864.....	2,055 00		
PARISH OF ORLEANS, RIGHT BANK— <i>G.</i> <i>H. Flagg, Collector.</i>			
State Tax, proper.....	189 65		
Mill Tax.....		125 00	
Internal Improvement Tax.....			29 15
Poll Tax.....		27 00	
Licenses of 1864.....	2,165 00		
Total.....	\$240,873 79	\$ 74,949 54	\$17,318 17

FROM OTHER SOURCES.

1864.

July 8, Received from Otto Schwarner for benefit of Charity Hospital.....	\$500 00
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STATEMENT H.

Showing the disbursements from the treasury from March 9, 1864, to
September 30, 1864.

FROM THE GENERAL FUND.

Paid as salaries in executive department.....	\$ 2,497 73
Do secretary of state's department.....	1,300 51
Do treasurer's do.....	1,796 95
Do auditor's do.....	2,856 85
Paid as salary of superintendent of public education.....	1,229 80
Paid as salaries of state attorneys.....	2,898 89
Do judges.....	14,681 06
Do clerks of courts.....	2,864 48
Paid as salary of interpreter, First District Court.....	521 94
Do state librarian.....	600 00
Paid as commissions of tax collectors.....	17,379 31
Do compensation of assessors.....	7,438 48
Do general contingent expenses.....	12,937 10
Do do expenses executive department.....	279 75
Amount carried forward.....	\$69,877 85

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Amount brought forward.....				\$69,877 85
Paid as	general	expenses	secretary of state's department.....	107 90
Do	do	do	treasurer's do	575 67
Do	do	do	auditor's do	677 40
Do	do	do	superintendent public education department.....	123 75
Do	do	do	State land office.....	401 30
Do	penitentiary.....			2,163 50
Do	public printing.....			4,572 55
Do	registry of voters.....			208 00
Do	expenses of election.....			6,982 30
Do	militia.....			1,738 58
Do	charities.....			40,924 72
Do	expenses for State Constitutional Convention of 1864....			364,171 17
Do	auction duties, erroneously collected.....			7,121 20
				<u>\$499,045 87</u>

FROM SCHOOL FUND.

Paid to public schools.....	\$38,119 08
Do commission of tax collectors.....	2,836 38

FROM INTERNAL IMPROVEMENT FUND.

Paid for commissions of tax collectors.....	\$1,345 89
Total.....	<u>\$541,347 12</u>

STATEMENT I.

Showing, in detail, the disbursements mentioned in statement H.

SALARIES IN EXECUTIVE DEPARTMENT.

1864.			
April 4,	Paid to Michael Hahn, governor, from March 4 to 31, 1864	\$301 00	
	do N. C. Snethen, private secretary, do do	105 00	
9,	do F. E. Flagg, messenger, do do	26 00	
30,	do N. C. Snethen, secretary, to April 30.....	116 65	
	do F. E. Flagg, messenger, do	30 00	
May 31,	do N. C. Snethen, secretary, to May 31.	116 65	
	do F. E. Flagg, messenger, do	30 00	
June 30,	do Michael Hahn, governor, quarter to June 30.....	1,000 00	
	do N. C. Snethen, secretary, do	116 65	
	do F. E. Flagg, messenger, do	30 00	
July 20,	do do do to July 31.....	30 00	
	do N. C. Snethen, secretary, increase of salary by resolution of Convention, from March 4 to June 30.	357 45	
Sept. 1,	do H. Copeland, messenger, to August 31.....	30 00	
2,	do N. C. Snethen, secretary, do	208 33	
			<u>\$2,497 73</u>

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SALARIES IN SECRETARY OF STATE'S DEPARTMENT.

1864.

April 4,	Paid to S. Wrotnowski, secretary of state, from March 4 to 31, 1864.....	\$150 50
do	E. Eude, clerk to secretary of state, from March 4 to 31, 1864.....	74 97
30,	do E. Eude, clerk to secretary of state, to April 30..	83 33
May 31,	do do do to May 31....	83 33
June 30,	do S. Wrotnowski, do quarter to June 30	500 00
do	E. Eude, clerk, do do	83 33
July 26,	do increase of salary by resolution of Convention, from March 4 to June 30.....	325 05
		<u>\$1,300 51</u>

SALARIES IN TREASURER'S DEPARTMENT.

1864.

April 4,	Paid to J. G. Belden, treasurer, from March 4 to 31, 1864	\$188 15
do	F. M. Stevens, chief clerk, do do	150 50
30,	do do do to April 30.....	166 65
May 31,	do do do to May 31.....	166 70
June 30,	do J. G. Belden, treasurer, quarter to June 30.....	625 00
do	F. M. Stevens, chief clerk, do	166 65
July 30,	do do do to July 31.....	166 65
Aug. 31,	do do do to Aug. 31.....	166 65
		<u>\$1,796 95</u>

SALARIES IN AUDITOR'S DEPARTMENT.

1864.

April 4,	Paid to A. P. Dostie, auditor, from March 4 to 31, 1864..	\$301 00
do	A. W. Morse, chief clerk, do do	150 50
do	T. V. Russell, asst. do March 21 to 31.....	33 35
30,	do A. W. Morse, chief clerk, to April 30.....	166 65
do	T. V. Russell, asst. do do	100 00
May 31,	do A. W. Morse, chief clerk, to May 31.....	166 70
do	T. V. Russell, asst. do do	100 00
June 30,	do A. P. Dostie, auditor, quarter to June 30.....	1,000 00
do	A. W. Morse, chief clerk, do	666 65
do	T. V. Russell, asst. do do	100 00
July 30,	do A. W. Morse, chief clerk, quarter to July 31....	166 65
do	T. V. Russell, asst. do do	100 00
Aug. 31,	do A. W. Morse, chief clerk, quarter to August 31....	166 65
do	H. Thompson, asst. do from July 20 to 31.....	138 70
		<u>\$2,856 85</u>

SALARY OF SUPERINTENDENT OF PUBLIC EDUCATION.

1864.

April 4,	Paid to John MacNair, superintendent public education, to March 31, 1864.....	\$ 188 15
May 2,	do J. MacNair, sup't pub. education to April 30....	208 33
June 1,	do do do to May 31.....	208 33
June 30,	do do do to June 30....	208 33
Aug. 1,	do do do to July 31....	208 33
Aug. 31,	do do do to August 31..	208 33
		<u>\$1,229 80</u>

SALARIES OF STATE ATTORNEYS.

1864.

Mar. 15,	Paid to L. Lombard, district attorney, Second Judicial District, from December 1, 1863, to March 15, 1864	\$ 233 33
	Paid to John W. Thomas, district attorney of Second Judicial District, from January 1, to March 15, 1864.....	520 81
April 5,	Paid to James Fuller, district attorney, Second Judicial District, from March 15 to 31.....	104 15
April 9,	Paid to L. Lombard, district attorney, Second Judicial District, from March 15 to April 8.....	55 50
May 27,	Paid to B. L. Lynch, services as district attorney in case of State vs. McCormack, Second Judicial District, November 20, 1863.....	50 00
June 18,	Paid to B. L. Lynch, attorney general, from March 4 to 31, 1864.....	263 45
June 30,	Paid to B. L. Lynch, attorney general, quarter to June 30.	875 00
July 1,	Paid to James Fuller, district attorney, First Judicial District, quarter to June 30.....	625 00
July 5,	Paid to E. J. Wenck, district attorney, Second Judicial District, from April 16 to June 30.....	166 65
		<u>\$2,893 89</u>

SALARIES OF JUDGES.

1864.

March 19,	Paid to Edwin White, Second Judicial District, quarter to March 31.....	\$1,000 00
April 1,	Paid to E. Heistand, First District Court of New Orleans, quarter to March 31.....	1,250 00
April 2,	Paid to W. W. Handlin, Third District Court of New Orleans, quarter to March 31.....	1,250 00
April 7,	Paid to R. K. Howell, Sixth District Court of New Orleans, quarter to March 31.....	1,250 00
April 13,	Paid to J. S. Whitaker, Second District Court of New Orleans, from March 5 to 17.....	194 45
April 18,	Paid to W. H. Knight, Third Judicial District, quarter to March 31.....	1,000 00
June 30,	Paid to E. Heistand, First District Court of New Orleans, quarter to June 30.....	1,250 00
June 30,	Paid to H. J. Heard, Fifth Judicial District, from April 12 to June 30.....	877 75
June 30,	A. Cazabat, Second Judicial District, from April 16 to June 30.....	833 33
July 1,	Paid to R. K. Howell, Second District Court of New Orleans, quarter to June 30.....	1,250 00
July 5,	Paid to W. W. Handlin, Third District Court of New Orleans, quarter to June 30.....	1,250 00
July 5,	Paid to G. Duplantier, Sixth District Court of New Orleans, quarter to June 30.....	1,236 11
July 29,	Paid to R. K. Howell, Second District Court of New Orleans, from July 1 to 20, 1864.....	273 96
Amount carried forward.....		<u>\$12,915 60</u>

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Amount brought forward.....	\$12,915 60
1864.	
July 30, Paid to G. Duplantier, Sixth District Court of New Orleans, from July 1 to 19, 1864.....	260 11
Aug. 20, Paid to W. H. Knight, Third Judicial District, quarter to June 30.....	1,000 00
Aug. 30, Paid to W. J. Heard, Fifth Judicial District, from July 1 to August 16.....	505 35
	<u>\$14,681 06</u>

SALARIES OF CLERKS OF COURTS.

1864.	
April 1, Paid to H. Train, First District Court of New Orleans, quarter to March 30, 1864.....	\$1,438 75
April 25, Paid to H. Train, First District Court of New Orleans, from April 1 to 20.....	333 33
June 30, Paid to John Montamat, First District Court of New Orleans, from April 21 to June 30.....	1,092 40
	<u>\$2,864 48</u>

SALARY OF INTERPRETER OF FIRST DISTRICT COURT.

1864.	
April 1, Paid to Joseph Volder, from December 14, 1863, to March 31, 1864.....	\$ 300 40
July 7, Paid to Joseph Volper, from April 1 to June 31.....	221 54
	<u>\$521 94</u>

SALARY OF STATE LIBRARIAN. /

1864.	
April 2, Paid to George Robinson, State Librarian, from March 1 to 31.....	\$ 100 00
April 30, Paid to J. N. Carrigan, State Librarian, from April 1 to 30	100 00
June 1, do do do from May 1 to 31	100 00
July 1, do do do from June 1 to 30	100 00
July 30, do do do from July 1 to 31	100 00
Aug. 31, do do do from Aug. 1 to 31	100 00
	<u>\$600 00</u>

COMMISSIONS TO TAX COLLECTORS.

1864.	
Paid to W. T. Stocker, First District of New Orleans.....	\$8,927 55
do D. W. C. Campbell, Second District of New Orleans	3,786 44
do V. Gerodias, Second do do	110 62
do C. B. Lang, Third do do	1,875 05
do J. L. Davies, Fourth do do	1,640 62
do J. E. Schaffer, parish of Jefferson.....	524 44
do Robert Johnson, parish of Plaquemine.....	247 70
do G. H. Flagg, parish of Orleans, Right Bank.....	238 39
do P. B. Marmillion, parish St. John Baptiste.....	28 50
	<u>\$17,379 31</u>

COMPENSATION OF ASSESSORS.

1864.					
April 1,	Paid to John A. Watkins, quarter to March 31, 1864....	\$	750	00	
April 1,	do H. Millspaugh, do do		625	00	
April 1,	do H. M. Summers, do do		625	00	
April 4,	do F. Carrejolles, do do		625	00	
April 7,	do John A. Watkins, balance due on rolls of 1862..		165	88	
April 7,	do L. A. Boulet, do ..		2,022	60	
June 30,	do F. Carrejolles, quarter to June 30, 1864.....		625	00	
June 30,	do H. Millspaugh, do		625	00	
June 30,	do John A. Watkins, do		750	00	
July 2,	do H. M. Summers, do		625	00	
				<u>\$7,438</u>	<u>48</u>

GENERAL CONTINGENT EXPENSES.

1864.					
Mar. 29,	Paid to H. G. Stetson for stationery bought by S. H. Torry	\$	33	00	
Apr. 2,	do Moritz Levy for repairs on State building, No. 17 St. Charles st.		4	75	
5,	do J. M. Peterson for coal for state offices, No. 17 St. Charles st.		46	50	
7,	do Felix McCulloch, certificates of conveyance for assessors		21	80	
9,	do Peter Hillyard, salary as janitor of State building, from March 4 to 31		27	00	
13,	do Petty cash, sundry bills as per petty cash book.		100	00	
30,	do Peter Hillyard, janitor, to April 30		30	00	
May 2,	do Petty cash, sundry bills as per petty cash book.		100	00	
3,	do Felix McCulloch, certificates of conveyance for assessors		33	60	
	do J. M. Peterson, coal for State offices, No. 17 St. Charles st.		32	00	
11,	do N. O. Gas Company for lighting State offices from January 1 to May 1, 1864		47	32	
19,	do Petty cash, sundry bills as per petty cash book.		100	00	
31,	do Peter Hillyard, janitor, to May 31		30	00	
June 4,	do Henry Copeland, watchman for State offices in the City Hall, from March 1 to May 31, at \$25 per month		75	00	
4,	do Felix McCulloch, certificates of conveyance for assessors		34	60	
17,	do N. O. Gas Company for lighting State offices, No. 17 St. Charles street, to May 31		20	34	
21,	do J. A. Watkins, bill as per contract,		780	00	
23,	do L. Dillon do		20	00	
30,	do Peter Hillyard, janitor State building, 17 St. Charles street.		30	00	
July 2,	do Felix McCulloch, certificates of conveyance for assessors		18	00	
14,	do N. O. Gas Company for lighting State offices, No. 17 St. Charles street.		16	19	
Amount carried forward				<u>\$1,599</u>	<u>50</u>

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		Amount brought forward.....	\$ 1,599 50
1864.			
July 16,	do.	E. Cousanard for forwarding old documents from Baton Rouge.....	103 10
25,	do.	John T. Michel for copying ten tableaux of delinquent tax-payers.....	300 00
26,	do.	F. B. Vionot, deputy clerk U. S. Court, cost of suit State vs. C. A. Peabody.....	14 90
Aug. 1,	do.	Peter Hillyard, janitor State building, 17 St. Charles street.....	30 00
3,	do.	Felix McCulloch, certificates of conveyance for assessors.....	24 00
15,	do.	Petty cash, sundry bills as per petty cash book.....	100 00
	do.	D. Stickney, coal for State building, 80 barrels at \$2 40 per barrel.....	192 00
19,	do.	R. B. Bell, amount appropriated by the Constitutional Convention for payment of inauguration expenses.....	10,000 00
31,	do.	Peter Hillyard, janitor State building, 17 St. Charles street.....	30 00
Sept. 1,	do.	O. Poincillain, watchman for State offices in the City Hall, from the 1st of August to the 1st September.....	50 00
	do.	H. Copeland, watchman for State offices in the City Hall, from June 1 to July 31, at \$30 per month.....	60 00
3,	do.	Felix McCulloch, for certificates of conveyance for assessors.....	23 10
9,	do.	K. Loew, deputy clerk U. S. District Court, money deposited for cost of tax suits in the U. S. District and U. S. Circuit Courts.....	410 00
			<u>\$12,937 10</u>

CONTINGENT EXPENSES, EXECUTIVE DEPARTMENT.

1864.			
Apr. 9,	Paid to	H. Copeland for washing and repairing.....	\$ 8 00
May 5,	do.	W. R. Fish for stationery.....	101 00
6,	do.	T. Fitzwilliam for stationery.....	23 00
July 1,	do.	H. G. Stetson do.....	57 75
Sept. 1,	do.	H. Copeland for washing and repairing.....	21 00
10,	do.	W. R. Fish for printing.....	69 00
			<u>\$279 75</u>

CONTINGENT EXPENSES, SECRETARY OF STATE'S DEPARTMENT.

1864.			
Apr. 9,	Paid to	H. Copeland, for washing and repairing.....	\$ 5 00
May 11,	do.	Tracy & Fairfax, stationery.....	20 00
July 2,	do.	E. R. Wagner, stationery.....	39 40
Aug. 2,	do.	do do.....	43 50
			<u>\$107 90</u>

1864.		CONTINGENT EXPENSES, TREASURER'S OFFICE.	
Apr. 5,	Paid to J. & W. McCracken for desk.....	\$ 37 00	
5,	do D. Kelham for desk.....	30 00	
7,	do Tracy & Fairfax for one set of books.....	208 00	
23,	do Robert Helay, repairing safe.....	10 00	
30,	do Peter O'Donnell, stationery.....	205 70	
Jun. 29,	do do.....	44 25	
Sept. 1,	do do.....	40 70	
			<u>\$575 65</u>

1864.		CONTINGENT EXPENSES, AUDITOR'S DEPARTMENT.	
Apr. 2,	Paid to Wm. Hubee for desk.....	\$ 55 75	
2,	do Charles Loeffler for gas fixtures.....	11 60	
5,	do T. Fitzwilliam for stationery.....	21 25	
7,	do Tracy & Fairfax for stationery and printing.....	195 30	
12,	do A. Holland for iron safe.....	175 00	
30,	do C. C. Sampson for desk.....	32 75	
May 2,	do T. Fitzwilliam for stationery.....	44 95	
26,	do Goldthwait for maps of State and city.....	25 00	
June 3,	do T. Fitzwilliam for stationery.....	28 25	
July 2,	do do.....	12 55	
Aug. 2,	do do.....	35 35	
Sept. 1,	do do.....	39 65	
			<u>\$677 40</u>

1864.		CONTINGENT EXPENSES, SUPT. PUB. EDU. DEP'T.	
Apr. 9,	Paid to Wm. Hubee for desk.....	\$ 50 00	
July 11,	do W. C. Duncan for stationery.....	73 75	
			<u>\$123 75</u>

1864.		CONTINGENT EXPENSES, STATE LAND OFFICE.	
Aug. 26,	Paid to Wm. Hubee for desk.....	\$ 52 00	
Sept. 9,	do E. R. Wagner for stationery.....	349 30	
			<u>\$401 30</u>

1864.		FOR PENITENTIARY.	
Apr. 7,	Paid to city of N. O. for rations for State convicts in work-house, for March, 1864.....	\$ 538 00	
May 5,	Paid to city of N. O. for rations for State convicts in work-house, for April, 1864.....	484 50	
June 2,	Paid to city of N. O. for rations for State convicts in work-house, for May, 1864.....	378 50	
July 5,	Paid to city of N. O. for rations for State convicts in work-house, for June, 1864.....	311 00	
Aug. 5,	Paid to city of N. O. for rations for State convicts in work-house, for July, 1864.....	299 50	
Sept. 2,	Paid to city of N. O. for rations for State convicts in work-house, from August 1 to 16, 1864.....	152 00	
			<u>\$2,163 50</u>

APPENDIX.

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FOR PRINTING.

1864.				
April 9.	Paid to	A. C. Hills for blank assessment rolls.....	615	15
23,	do	W. R. Fish for publishing election notices.....	488	00
May 3,	do	Tracy and Fairfax, printing and binding, to date	135	00
12,	do	W. R. Fish, publishing governor's proclamation	151	05
14,	do	E. H. Boelitz, do do	220	50
19,	do	T. P. May & Co., do do	130	00
21,	do	Tracy & Fairfax, do do	325	50
June 3,	do	do printing.....	18	00
10,	do	W. R. Fish, publishing governor's proclamation	140	00
17,	do	do printing.....	70	00
July 2,	do	Tracy & Fairfax, printing.....	63	00
Aug. 9,	do	do publishing correspondence between governor and attorney general.....	13	00
Aug. 11,	do	Tracy & Fairfax for 3,000 copies new constitution	150	00
13,	do	N. O. Bee for publishing governor's proclamation	15	00
17,	do	E. H. Boelitz for 2,000 copies of new constitution	50	00
19,	do	T. P. May & Co., for publishing governor's proclamation.....	475	50
25,	do	Tracy & Fairfax for 3000 copies new constitution	150	00
Sept. 14,	do	W. R. Fish for printing for governor's office....	1,162	90
			<u>\$4,572</u>	<u>15</u>

FOR REGISTRY.

1864.			
April 9,	Paid to	John Payne for registering 208 votes in the parish of Jefferson.....	\$208 00
			<u>\$208 00</u>

FOR EXPENSES OF ELECTIONS.

1864.				
April 7,	Paid to	Joseph Stewart, sheriff parish of Ascension.....	\$	260 00
	do	L. O'Brien, do St. James.....	165	00
	do	Charles Smith, do St. Mary.....	60	00
23,	do	Josep Stewart do Ascension.....	250	00
May 4,	do	G. C. Fory, do Orleans, right bank.....	50	00
	do	C. H. L. Gruneburg, sheriff parish of Lafourche.	654	00
Aug. 6,	do	J. D. Ford, sheriff parish of Assumption.....	336	00
	do	H. C. Edwards, parish of Avoyelles, expenses on March 28.....	870	00
27,	do	D. Christie, expenses of election.....	1,000	00
	do	R. B. Fowdick do	800	00
Sept. 2,	do	R. Wetmore, do	60	00
	do	Chas. Smith, do	60	00
3,	do	John Henderson, do	50	00
8,	do	P. W. Murphy, sheriff parish of Iberville.....	111	00
	do	R. W. Wetmore, commissioner, Point Coupée...	245	00
9,	do	Henry White, do East Feliciana...	289	40
	do	Young Burke, sheriff parish of St. John Baptist.	90	00
Amount carried forward.....			\$	5,350 40

APPENDIX.

Amount brought forward.....			\$ 5,356 40
1864.			
Sept. 9,	Paid to V. Leurent, sheriff parish of St. Charles.....	151 00	
	do Charles Smith do St. Mary.....	150 00	
10,	do Robert W. Bennie do Terrebonne.....	420 00	
	do G. H. Stiener, do Lafourche.....	460 90	
			<u>\$6,982 30</u>

FOR MILITIA.

1864.			
April 5,	Paid to H. Copeland sundries for adjutant general's office	\$ 12 40	
28,	do Eleman & Co., for flag for Second Louisiana Cavalry, by order of Gov. Hahn.....	225 00	
May 2,	do George Stoelly, clerk of adjutant general, salary for April, 1864.....	50 00	
5,	do Wm. Hube, furniture for adjutant general's office	152 75	
10,	do Tracy & Fairfax, stationery for do	39 00	
June 1,	do George Stoelly, clerk of adjutant general, salary for May.....	50 00	
30,	do George Stoelly, clerk of adjutant general, salary for June.....	50 00	
July 20,	do J. L. Swift, adjutant general, salary from March 19 to 31.....	98 93	
	do J. L. Swift, adjutant general, salary, quarter to June 30.....	750 00	
	do J. L. Swift, adjutant general, expense to Washington and returning.....	150 00	
Aug. 1,	do George Stoelly, clerk of adjutant general, salary for July.....	50 00	
5,	do H. G. Stetson, stationery for adjutant general...	10 50	
Sept. 2,	do George Stoelly, salary for August.....	100 00	
			<u>\$1,738 58</u>

FOR CHARITIES.

1864.			
April 2,	Paid to Charity Hospital for expenses for March, by order of Gov. Hahn.....	\$ 208 80	
29,	do Charity Hospital for expenses for April, by order of Gov. Hahn.....	472 73	
May 30,	do Charity Hospital for expenses for May, by order of Gov. Hahn.....	402 77	
June 30,	do Charity Hospital for expenses for June, by order of Gov. Hahn.....	2,236 77	
July 11,	do Deaf, Dumb and Blind Asylum, Baton Rouge, by order of Gov. Hahn.....	400 00	
11,	do Charity Hospital for expenses for July, by order of Gov. Hahn.....	867 50	
Aug. 30,	do Charity Hospital for expenses for August, by order of Gov. Hahn.....	1,746 15	
			<u>\$6,424 72</u>

APPENDIX.

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CHARITIES APPROPRIATED BY CONSTITUTIONAL CONVENTION.

1864.

Aug. 12,	Paid to Charles Smith for destitute families of parish of St. Mary.....	\$ 800 00
29,	do Thomas M. Wells for destitute families from Rapides and other parishes.....	3,500 00
	do Orphan Girl's Asylum of the Immaculate Conception.....	1,390 80
	do St. Mary's Orphan Boy's Asylum, Third District.....	4,000 00
	do New Orleans Orphan Asylum, Camp street....	4,000 00
	do St. Joseph's German Boys' and Girls' Asylum...	2,750 00
	do St. Elizabeth's House of Industry.....	1,800 00
	do St. Vincent's Infant Asylum.....	2,000 00
	do Ladies of Providence.....	2,000 00
	do Home of Aged and Infirm.....	1,500 00
	do Society of Vincent de Paul.....	500 00
17,	do House of the Good Shepherd.....	1,000 00
	do Society for the Relief of Orphan Boys.....	1,500 00
20,	do St. Vincent's Asylum, Carrollton.....	750 00
22,	do N. C. Snethen for expenses of the Board of Almoners.....	200 00
23,	do Association for the Relief of Jewish Widows and Orphans.....	500 00
	do Orphan's Home of the Protestant Epis. Church.....	1,200 80
	do Poydras Asylum.....	1,000 00
	do St. Ann's Asylum.....	1,000 00
Aug. 24,	do St. Vincent's Asylum, Donaldsonville.....	1,000 00
30,	do Orphan's Asylum, Baton Rouge.....	700 00
	do Orphan's Home, cor. Seventh and Live Oak sts.	1,500 00
		<hr/>
		\$34,500 00

AUCTION DUTIES.

1864.

April 9,	Paid to George E. Tyler on three quarters ending Dec. 31, 1863.....	\$2,785,40
20,	do G. P. Phinney on four quarters ending Dec. 31, 1863.....	3,625 12
21,	do William P. Vincent one quarter ending Dec. 31, 1863.....	710 68
		<hr/>
		\$7,121 20

The above amounts were collected by the former auditor on sales of cotton, unrefined sugar in bogsheads, and United States property, which articles are exempt by the State statistics from auction duty; the several amounts were consequently refunded.

FOR EXPENSES OF CONSTITUTIONAL CONVENTION OF 1864.

1864.		
Paid for per diem of members from April 6 to July 25.....	\$111,290	20
“ Mileage of members.....	2,120	40
“ Salaries of officers and employes.....	37,976	00
“ Printing and advertising.....	156,825	82
“ Contingent expenses.....	46,395	25
And from July 25 up to date, salaries of clerks, &c., as authorized by resolution of the Convention.....	9,563	50
	<u>\$364,171</u>	<u>17</u>

FROM SCHOOL FUND.

FOR PUBLIC SCHOOLS.

1864.		
Apr. 13,	Paid to N. C. Landry for teaching three quarters in 1863, in parish of St. James.....	\$ 757 50
June 7,	Paid to J. S. Walton for city of New Orleans.....	20,000 00
8,	“ F. Lagrue for Jefferson City.....	1,933 72
9,	“ H. VanBibber for parish of St. Bernard.....	949 14
18,	“ A. Lartigue for parish of Plaquemines.....	1,966 50
23,	“ Frederick Kern for Carrollton.....	1,205 53
23,	“ Jacob Miller for parish of Jefferson, Left Bank.....	744 95
Aug. 6,	“ John Linden for parish of Jefferson, Right Bank.....	196 94
10,	“ J. S. Walton for city of New Orleans.....	9,391 08
Sept. 9,	“ John Linden for parish of Jefferson, Right Bank.....	264 66
10,	“ A. Lartigue for parish of Plaquemine.....	709 06
		<u>\$38,119 08</u>

COMMISSIONS TO TAX COLLECTORS.

1864.		
Paid to W. T. Stocker, First District of New Orleans.....	\$1,270	02
“ D. W. C. Campbell, Second District of New Orleans.....	582	21
“ V. Gerodias, “ “ “.....	26	29
“ C. B. Lang, Third “ “.....	301	47
“ J. L. Davies, Fourth “ “.....	318	11
“ John E. Schaffer, parish of Jefferson.....	215	63
“ Robert Johnson, parish of Plaquemine.....	105	25
“ G. H. Flagg, parish of Orleans, Right Bank.....	17	40
	<u>\$2,836</u>	<u>38</u>

FROM THE INTERNAL IMPROVEMENT FUND.

COMMISSIONS TO TAX COLLECTORS.

1864.		
Paid to W. T. Stocker, First District of New Orleans.....	\$593	46
“ D. W. C. Campbell, Second District of New Orleans.....	350	34
“ V. Gerodias, “ “ “.....	10	37
“ C. B. Lang, Third “ “.....	118	53
“ John L. Davies, Fourth “ “.....	163	29
“ John E. Schaffer, parish of Jefferson.....	70	04
“ Robert Johnson, parish of Plaquemine.....	36	60
“ G. H. Flagg, parish of Orleans, Right Bank.....	3	36
	<u>\$1,345</u>	<u>89</u>

APPENDIX.
STATEMENT K,

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Showing the several balances in the Treasury on September 30, 1864.

Balance in the Treasury on March 9, 1864, belonging to General Fund..	\$258,930 10	
Receipts of General Fund.....	257,518 15	
Amount transferred by the Governor's order of August 12, 1864, from the Internal Improvement Fund, to be returned "as soon as there are sufficient moneys in the Treasury to justify the same,".....	35,000 00—	\$551,448 25
Total disbursements from General Fund		<u>499,045 87</u>
Balance.....		\$ 52,402 38
Balance in Treasury on March 9, 1864, belonging to School Fund.....	\$ 76,672 37	
Receipts of School Fund	74,949 54—	\$151,621 91
Total disbursements from School Fund		<u>40,955 47</u>
Balance.....		110,666 45
Balance in Treasury on March 9, 1864, belonging to Internal Improvement Fund.....	\$ 36,990 34	
Receipts of Internal Improvem't Fund	17,318 17—	\$ 54,308 51
Total disbursements from Internal Improvement Fund.....	1,345 89	
Amount transferred to General Fund	35,000 00—	<u>36,345 89</u>
Balance.....		17,962 62
Total balance current funds (and Bank of New Orleans Notes) ..		\$181,031 45
Confederate notes before mentioned.....		<u>462,752 13</u>
		<u><u>\$643,783 58</u></u>

PUBLIC DEBT.

I have to state under this head, that on assuming the duties of the Auditor's office, I find it impossible to ascertain with accuracy the exact amount of public debt, owing to the removal or destruction of the greater portion of the books, papers and documents belonging to this office, at the time of the abandonment of the State Capitol and public offices at Baton Rouge, by the rebel State officers in May, 1862.

The last annual report made by Mr. Peralta, (rebel) auditor of public accounts, to the General Assembly, is dated January, 1862, and exhibits the financial condition of the State, and the operations of the treasury up to the close of the year 1861.

By the statements contained in that report it appears that the liabilities of the State for property banks was :

Liabilities for property banks.....	\$5,398,533 33
Liabilities for Municipality No. 2.....	198,240 00
Debts proper of the State, in bonds, maturing between the years 1867 and 1901.....	4,031,000 00
Amount due on bonds issued to Port Hudson and Clinton Rail- road Company.....	9,000 00
Debts proper in trust funds, payable on demand.....	521,308 79

Grand Total.....\$10,158,182 12

Acts were passed by the (rebel) Legislature at their special session of 1861, and also during the session of 1862, authorizing the loan by the then existing State Government, for military or revolutionary purposes, to the amount of \$985,000.

What amount of State bonds or other evidences of debt were actually issued and negotiated in pursuance of those acts, I have no means of ascertaining with certainty.

There was paid out of the State Treasury by my predecessor, in January last, on Interest Coupons on State Bonds the sum of \$48,510. With this exception, so far as the books and vouchers in my possession show, nothing has been paid on account of interest or principal on the State debt since the close of the year 1861.

The actual amount, therefore, of the legitimate debt of the State, up to the present time, is about \$12,000,000, including arrears of interest, and that maturing up to the close of the present year.

The annexed tabular statement, marked L, will exhibit in detail the amount and description of the State debt represented by outstanding bonds, and the purpose for which, and in whose favor, they were originally issued.

By an order of the late Military Governor, Gen. Shepley, reaffirmed and promulgated by Maj. Gen. Banks, commanding the Department, payment of interest on the State debt was suspended on grounds of expediency, which order remains in force and unrepealed.

STATEMENT L.

Showing the Public Debt of the State of Louisiana, on the 30th day of September, 1864.

LIABILITIES OF THE STATE FOR THE PROPERTY BANKS.	
Bonds of the State loaned the Consolidated Bank, due June 30th, 1854, 1857 and 1866, in equal instalments.....	\$1,101,200 00
Bonds of the State loaned the Citizens' Bank, due 1st February, 1868.....	\$1,265,333 33
do do do 1st February, 1877.....	1,264,888 89
do do do 1st February, 1884.....	500,000 00
do do do 1st February, 1886.....	1,267,111 11
	4,297,333 33
Liabilities for Bonds loaned Municipality No. 2.....	198,240 00
Total.....	\$5,596,733 33

APPENDIX

STATEMENT L—CONTINUED.
Liabilities in Bonds, classed as Debts Proper of the State.

When Issued.	Number of Bonds.	In Whose Favor Issued.	For What Purpose.	When Payable.	Am't of Bonds
1832, March 20	125 bonds, \$1,000 each.		Purchase of Ground.	1872, March 20	\$125,000 00
1837, April 1	483 do	Charity Hospital.	To aid.	1867, April 1	483,000 00
1839, Dec. 18	30 do	N. O. & Nashville R. R. Co		1869, Dec. 18	30,000 00
1840, March 11	50 do	Mexican Gulf R. R. Co.	To aid.	1870, March 11	50,000 00
1840, May 23	20 do			1870, May 23	20,000 00
1853, July 18	1500 do	State Treasurer.	Relief of State Treasury	1893, July 18	750,000 00
1853, Aug. 1	165 bonds, \$1,000 ea.			1893, Aug. 1	.....
1854, Feb. 1	21 do			1894, Feb. 1	.....
1854, May 1	239 do			1894, May 1	.....
1854, Nov. 1	267 do			1894, Nov. 1	.....
1855, Jan. 1	59 do	N. O., Jackson and Great	Payment of Stock.	1895, Jan. 1	.....
1855, March 7	35 do	Northern R. R. Co.		1895, March 7	.....
1856, April 1	14 do			1896, April 1	.....
1856, May 1	20 do			1897, May 1	.....
1857, Nov. 1	37 do			1897, Nov. 1	.....
1858, July 1	27 do			1898, July 1	.....
	884 bonds, \$1,000 each.				884,000 00
1853, June 1	76 bonds, \$1,000 ea.			1893, June 1	.....
1853, Aug. 1	45 do			1893, Aug. 1	.....
1853, Nov. 1	16 do			1893, Nov. 1	.....
1854, Feb. 1	16 do			1894, Feb. 1	.....
1854, May 1	268 do			1894, May 1	.....
1854, Nov. 1	88 do			1894, Nov. 1	.....
1855, Jan. 1	41 do			1895, Jan. 1	.....
1855, April 1	28 do	N. O., Opelousas and G.	Payment of Stock.	1895, April 1	.....
1856, Dec. 1	13 do	Western R. R. Co.		1896, Dec. 1	.....

STATEMENT L—CONTINUED.

When Issued.	Number of Bonds.	In Whose Favor Issued.	For What Purpose.	When Payable.	Am't of Bonds
1857, Jan. 1	16 bonds, \$1,000 ea.			1897, Jan. 1	1
1858, Jan. 1	12 do do			1898, Jan. 1	1
1858, July 1	2 do do			1898, July 1	1
1858, July 1	10 do do			1899, July 1	1
1860, Feb. 1	10 do do			1900, Feb. 1	1
1861, Jan. 1	9 do do			1901, Jan. 1	1
	650 bonds, \$1,000 each.				650,000 00
1854, Nov. 1	10 bonds, \$1,000 ea.			1894, Nov. 1	1
1855, Nov. 1	28 do do			1895, Nov. 1	1
1856, May 23	52 do do			1896, May 23	1
1857, July 1	25 do do			1897, March 23	1
1857, July 1	20 do do			1897, July 1	1
1858, Jan. 1	16 do do			1898, Jan. 1	1
1858, July 1	23 do do			1898, July 1	1
1859, Jan. 1	11 do do			1899, Jan. 1	1
1859, July 1	18 do do			1899, July 1	1
1860, Jan. 1	18 do do			1900, Jan. 1	1
1860, July 1	20 do do			1900, July 1	1
1860, Oct. 1	19 do do			1900, Oct. 1	1
1861, Jan. 1	21 do do			1901, Jan. 1	1
1861, Feb. 1	21 do do			1901, Feb. 1	1
1861, Nov. 1	7 do do			1901, Nov. 1	1
	298 bonds, \$1,000 each.				298,000 00

APPENDIX.

STATEMENT L—CONTINUED.

When Issued.	Number of Bonds.	In Whose Favor Issued.	For What Purpose.	When Payable.	Am't of Bonds
1854, April 1	6 bonds, \$1,000 ea.	.....	.....	1894, April 1	.....
1855, April 1	9 do do	.....	.....	1895, April 1	.....
1855, April 7	13 do do	.....	.....	1895, April 7	.....
1857, May 15	8 do do	.....	.....	1897, May 15	.....
1858, May 15	7 do do	.....	.....	1898, Nov. 15	.....
1858, Nov. 1	13 do do	Baton Rouge, Grosses Tete	Payment of Stock.	1898, Nov. 1	.....
1859, Nov. 1	5 do do	and Opelousas R. R. Co.	.....	1899, Nov. 1	.....
1860, Feb. 1	6 do do	.....	.....	1900, Feb. 1	.....
1860, Aug. 1	3 do do	.....	.....	1900, Aug. 1	.....
1861, Aug. 1	6 do do	.....	.....	1901, Aug. 1	.....
	<u>76 bonds, \$1,000 each.</u>	.....	.....	.....	76,000 00
1867, July 1	136 do do	Seminary Fund.	In payment of amount due to said Fund on the 30th June, 1857—	.....	.....
	<u>136</u>	.....	Act No. 182 of 1857.	1897, July 1	136,000 00
1867, July 1	529 bonds, \$1,000 each.	Free School Fund.	Ditto.	1897, July 1	529,000 00
	<u>529</u>

APPENDIX.

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STATEMENT L—CONTINUED.

Total liabilities in bonds.....	\$4,031,000 00
Amount due on bonds issued to the Clinton and Port Hudson Railroad Company.....	9,000 00
Balance due Vacant Estates as per report of 1861..	\$29,408 22
Received during the year 1861.....	5,907 80
	<hr/>
	\$35,316 02
Payments during same period.....	100 00
	<hr/>
	35,216 02
Due to purchasers of Land for redemption of same, per last report.....	2,192 03
Due on proceeds of Slaves sold out of the Depot, per last report	3,781 60
Due General Government, under Deposit Act.....	479,919 14
	<hr/>
Total.....	<u>\$4,561,108 79</u>

ESTIMATES FOR THE ENSUING YEAR.

It is impossible for the Auditor to estimate with anything like an approach to accuracy, either the revenue to be derived, or the expenditures necessary to be incurred during the present unsettled condition of public affairs. We have at the same time a military government and a civil government co-existing. We are in a state of war and revolution, emerging from the most tremendous civil convulsion the State ever experienced.

Some general facts and considerations may enable the Auditor to approximate a reasonable estimate of the resources of the State and its most urgent expenditures for the ensuing year.

The total assessed value of property, (both real and personal,) in the State in the year 1860, was \$469,250,000. Included in this aggregate was \$170,000,000, the assessed value of property in slaves. It is a fact, that will to future generations appear almost incredible, that, (outside of the city of New Orleans,) the assessed value of property in human flesh, exceeded by several hundred thousand dollars the assessed value of all the real estate, including in the term real estate the value not only of lands, but buildings, farm and plantation stock, machinery, fixtures and animals usually attached to plantations.

Thus it will be seen at a glance, that by the progress of events, and by the operation of the ordinance of emancipation, \$170,000,000 of property has been stricken from among the objects of taxation and raised to the condition of citizens.

I allude to this important subject, in this connection, for a practical purpose, bearing on the financial resources of the State, and as a consideration connected with a proposition in favor of a *per capita* tax on persons of African descent, hereinafter submitted.

The waste, destruction, depreciation and removal of other personal pro-

perty, buildings, fixtures, machinery, &c., consequent upon a state of war and revolution, must have further reduced the aggregate of other taxable property in the State \$100,000,000, making the enormous aggregate destroyed since the commencement of the rebellion of \$270,000,000.

In estimating our sources of revenue for the ensuing year, we must further bear in mind that we, (the loyal people and government,) hold for the present but a limited portion of the territory of the State. We cannot, for the present, assess and collect taxes beyond the lines of our military occupation.

The revenue from all sources of taxation in 1860, was on assessment of \$441,098,000, as follows :

One-sixth of one per cent. (State Tax proper).....	\$773,490	
One-tenth of one per cent. (Mill Tax) on.....	441,098	
One-fourth of 1-10 per cent. (Int. Imp. Tax) on.....	110,274	
Licenses on Trades, Professions, &c.....	350,000	
		<u>\$1,634,862</u>
Of the above amount the city of New Orleans paid State		
Tax proper, on \$123,271,200.....	\$205,452	
Mill Tax.....	123,271	
Internal Improvement Tax.....	30,818	
Licenses.....	261,000	
		<u><u>\$620,541</u></u>

1861.

Revenue on assessed valuation of \$458,892,000.

State Tax, proper.....	\$764,820	
Mill Tax.....	458,892	
Internal Improvement Tax.....	114,723	
Licenses on Trades, Professions, etc.....	362,470	
		<u>\$1,700,905</u>
Of this New Orleans paid on an assessment of		
\$128,953,000—		
State Tax, proper.....	\$214,922	
Mill Tax.....	128,953	
Internal Improvement Tax.....	32,238	
Licenses.....	272,470	
		<u>648,583</u>
Paid by the State.....		<u><u>\$1,052,322</u></u>

1862.

Revenue from assessed value of \$468,568,000.

State Tax, proper	\$780,930	
Mill Tax.....	468,568	
Internal Improvement Tax.....	117,142	
Licenses on Trades, Professions, etc.....	227,845	
		<u>\$1,594,485</u>

APPENDIX.

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Of this New Orleans paid on an assessment of
\$130,373,000—

State Tax, proper.....	\$217,288	
Mill Tax.....	130,373	
Internal Improvement Tax.....	32,593	
Licenses.....	182,845	
		<u>563,099</u>
Paid by the State.....		<u>\$1,029,389</u>

ESTIMATE FOR 1863.

The revenue from all sources for 1863, will be on an assessment of about
\$289,623,000.

State Tax, proper.....	\$482,705	
Mill Tax.....	289,623	
Internal Improvement Tax.....	72,406	
Licenses.....	172,700	
		<u>\$1,017,434</u>

Of this New Orleans will probably pay on an assess-
ment of \$111,436,000—

State Tax, proper.....	\$185,726	
Mill Tax.....	111,436	
Internal Improvement Tax.....	27,859	
Licenses.....	132,700	
		<u>\$457,721</u>
Paid by the State.....		<u>\$ 559,713</u>

1864.

By reference to page 25, it will be seen that the current expenses of the State from March 9th to September 30th, 1864, including the expenses of the Constitutional Convention, amount to \$541,347 22.

I estimate the expenses, without interest, on the State debt, for the year 1865, at \$1,041,195 14. This estimate allows only \$10,000 for work of Internal Improvement, and \$850,000 for the support of Public Schools.

We need about \$255,000 per annum to pay the interest on the State debt, for the payment of interest should be resumed as soon as possible, to maintain the honor and credit of the State.

As but \$48,000 have been paid on the interest of the State debt since the close of the year 1861, the amount of such interest now past due and maturing, up to close of the present year, 1864, will exceed \$700,000.

To place our Public Schools on a proper footing, when we shall have recovered the whole territory of the State, we shall need a revenue of \$700,000 per annum, devoted to that purpose.

The following is an estimate of the probable receipts and expenditures of the State for the year ending September 30, 1865 :

APPENDIX.

EXPENDITURES FROM THE GENERAL FUND.

Salaries of State officers, their clerks, &c.....	\$187,669 00
Contingent expenses of the several departments....	15,550 00
Compensation to assessors, deductions and commissions to collectors.....	130,000 00
Expenses of the General Assembly, (say 60 days).....	72,000 00
Printing and advertising.....	100,000 00
Interest on State bonds.....	300,000 00
Interest on the U. S. Deposit Fund.....	28,795 14
Amount due the Internal Improvement Fund, the same having been borrowed for General Fund.....	35,000 00
Support of the Charity Hospital.....	20,000 00
Do Insane Asylum at Jackson.....	5,000 00
Do Deaf, Dumb and Blind Asylum at Baton Rouge.....	6,000 00
Appropriations to charitable institutions....	20,000 00
Other payments as detailed in a following statement.....	16,600 00
	<u>\$935,605 14</u>

FROM THE CURRENT SCHOOL FUND.

For the support of Free Public Schools.....	\$350,000 00
For compensation to assessors, deductions and commissions to collectors.....	30,000 00
	<u>\$380,000 00</u>

FROM THE INTERNAL IMPROVEMENT FUND.

Expenses of Internal Improvement Service.....	\$ 10,000 00
Compensation to assessors, deductions and commissions to tax collectors.....	7,500 00
Interest on bonds issued to Railroad Companies.....	400,000 00
Other payments as detailed in a following statement.....	8,000 00
	<u>\$425,500 00</u>

Estimate of total expenditures.....\$1,741,105 14.

Estimate of the probable receipts into the State Treasury during the same period :

State Tax, proper.....	\$335,000 00
Licenses on Trades, Professions and Occupations for the year 1865, and arrearages.....	175,000 00
Duties on sales at auction.....	35,000 00
Arrearages of Taxes.....	5,000 00
Mill Tax.....	200,000 00
Poll Tax.....	15,000 00
Internal Improvement Tax.....	50,000 00
Sales of School Lands.....	5,000 00
Do Swamp Lands.....	100,000 00
Do Internal Improvement Lands.....	2,500 00

Estimate of total receipts.....\$922,500 00

APPENDIX.

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DETAILS OF EXPENDITURES MENTIONED IN THE FOREGOING STATEMENT.

Compensation and contingent expenses of the General Assembly, (60 days).....	\$ 72,000 00
Salary of the Governor.....	8,000 00
Lieutenant Governor.....	5,000 00
Governor's Private Secretary.....	2,500 00
Governor's Messenger.....	360 00
Secretary of State.....	5,000 00
Clerk of the Secretary of State.....	2,000 00
State Treasurer.....	5,000 00
Chief Clerk of Treasurer.....	2,000 00
Assistant Clerk of Treasurer.....	1,200 00
Auditor of Public Accounts.....	5,000 00
Chief Clerk of Auditor.....	2,000 00
Assistant Clerk of Auditor.....	1,200 00
Attorney General.....	5,000 00
State Superintendent of Public Education.....	4,000 00
State Librarian.....	1,200 00
Judges of the Supreme Court.....	35,500 00
Judges of District Courts.....	60,000 00
Clerk of the First District Court of New Orleans.....	6,000 00
District Attorneys.....	10,000 00
Reporter of the Supreme Court.....	2,500 00
Register State Land Office.....	3,500 00
Clerk of the Land Office.....	2,000 00
Adjutant and Inspector General.....	3,000 00
Clerk of Adjutant and Inspector General.....	1,200 00
State Engineer.....	2,500 00
Interpreter of First Dist. Court of New Orleans.....	1,000 00
Sergeant-at-Arms House of Representatives, Ser- geant-at-Arms of the Senate, Watchman of the State Buildings, (City Hall and No. 17 St. Charles st.,) Keeper of the State Arsenal, etc..	5,000 00
Board of Police Commissioners.....	6,000 00
Compensation to Assessors.....	30,000 00
Commissions to Tax Collectors.....	50,000 00
Commissions to District Attorneys for collecting bonds of de- faulting Tax Collectors.....	500 00
Contingent expenses of the Executive.....	5,000 00
" " " Secretary of State.....	500 00
" " " State Treasurer.....	750 00
" " " Auditor of Public Accounts.....	3,000 00
" " " Superintendent of Public Education.....	300 00
" " " Supreme Court.....	2,000 00
" " " State Library.....	1,000 00
" " " Adjutant General.....	500 00
" " " State Land Office.....	2,500 00
Deductions to Collectors of Taxes.....	50,000 00
Interest on State Bonds past due and maturing during the year.....	700,000 00
" the U. S. Deposit Fund, according to act 200 of 1857.....	28,795 14
Printing and advertising.....	100,000 00
Pensions for life.....	1,500 00

Of Cotton	659,100 Bales.
Sugar	203,246 Hogheads.
Molasses	347,276 Barrels.
Rice	20,856 Barrels.

From the best means of information in regard to the probable production of these staples I can command, I estimate the production for the year 1864 as follows :

Cotton	75,000 Bales.
Sugar	25,000 Hogheads.
Molasses	50,000 Barrels.
Rice	10,000 Barrels.

That household furniture shall be made liable to taxation like other personal property, exempting an amount not exceeding in value the sum of \$500 belonging to any one householder.

Under the law, as it now stands, a person may own an unlimited amount of articles of luxury of this description, on which he pays no taxes whatever.

Impose a tax on all Gold and Silver Watches, Plate, Pianos, Pictures, articles of *virtu*, and Jewelry, of one per cent. over \$100.

Also, a tax on each Billiard Table of \$25.

Impose a tax on the gross receipts of Theatres, Amphitheatres, Menageries, Circuses, and places of amusement of this description, of one per cent., payable monthly. Require monthly returns to be made by the managers and proprietors of these establishments, under oath, to the Assessor of the District.

Impose a tax of \$12,000 per annum on every Gambling House, payable \$1,000 monthly in advance ; and on each Tombola, \$600 per annum, payable \$50 monthly in advance ; and on each vendor of Lottery Tickets, \$12,000 per annum, also payable \$1,000 monthly in advance.

Impose a tax on all drinking houses, and places where intoxicating beverages are sold by the glass, of one-half of one per cent. on the gross receipts, returns to be made quarterly to the Assessor, under oath.

On every Restaurant, Soda and Ice Cream Saloon, or establishment for vending refreshments where intoxicating beverages are not sold, impose a tax of one-half of one per cent. on the gross amount of sales. Require returns of such sales to be made quarterly, on oath, to the Assessor.

I would call the especial attention of the General Assembly to a change I propose should be made in the mode of levying taxes on merchants and persons engaged in the various departments of trade.

The existing statute on this subject, (S. 1, p. 459, R. S.,) places among the objects of taxation, "all capital, invested or employed each year in traffic, trade or merchandise, or any kind of commerce."

The essential point to be kept in view, in all legislation for raising revenue by taxation, is *equality*, to lay the burden fairly on property—actual wealth,

distinguishing incidentally between the several kinds or species best able to bear taxation. In this matter equality is equity.

The experience and statistics of the past demonstrate that a great difficulty, practically, has existed in ascertaining and assessing the real amount of capital employed or invested in trade, &c.

The Assessment Rolls show that the whole amount of capital heretofore returned by the Assessors, as invested in trade, banking and insurance, has not in any year exceeded the sum of \$30,000,000, including notes bearing interest, and other evidences of debt.

Who that is at all familiar with the actual trade and business of the city of New Orleans, can be made to believe that those figures represent one-fourth the actual amount of capital with which the immense business and commerce, wholesale and retail, of the city is performed?

The amount of capital returned as employed in trade and commerce in 1860, one of the most prosperous business years—the last year of peace—was so far below the amount apparently necessary, involving the purchase and movement of hundreds of millions worth of cotton, sugar, Western produce and general merchandise, that I was induced to examine critically the Assessment Rolls of that year.

The results of that investigation are highly instructive, and force upon my mind the conclusion that there is an absolute necessity for a radical change in our revenue laws, applicable to this particular class of them.

By that examination I ascertained, for instance, that nine of the principal merchants and firms engaged in business as grocers, are returned as having an aggregate capital employed in their business of \$182,000—say average \$20,000—of the dealers and factors in cotton, twenty-four of the heaviest firms were set down as having, in the aggregate, \$505,000 of capital, average \$21,000.

In the dry goods department of trade, eighteen of the principal houses were returned as having an aggregate capital of \$720,000—average \$40,000. In all, fifty-one of the chief houses in the city, in the above branches of wholesale trade, were reported, as having an average capital employed in their business of \$27,500—in all, \$1,407,000.

The aggregate sales of these fifty-one firms, according to information entirely reliable, could not have been less than \$75,000,000 worth in cotton, sugar, groceries, dry goods and other merchandize.

Now, to demonstrate the principal operation of our system of taxation on "capital," let it be understood that of the above firms, in 1860—

Seven large Cotton Houses were assessed as having a capital of.	\$110,000
Six heavy Dry Goods Houses at.	245,000
Five heavy Grocers at	115,000
Total.	\$470,000
This would yield the State a revenue of.	13,700

The seven Cotton Houses sold to amount of.....	\$10,000,000
The six Dry Goods Houses sold to amount of.....	10,000,000
The five Grocers sold to amount of.....	10,000,000
Total.....	<u>\$30 000,000</u>

While, if this tax was placed on sales it would yield a revenue of \$87,500, being a difference in favor of the State over the present system of \$73,800.

Instances can be pointed out where merchants or firms, doing business at a rate of one to two and a half millions per annum, are returned by the Assessors as having invested or employed a capital of from \$20,000 to \$40,000, or less, while a small retailer and corner grocer, selling from \$2,000 to \$10,000 per annum, usually gives in his statement from \$500 to \$2,000 capital, or nearly the full amount of capital that would ordinarily be actually employed in his business.

If the wholesale firm, with a returned nominal value of \$40,000, sell two and a half million dollars worth of merchandise at 10 per cent. average profit, they make a total profit of \$250,000, or more than 600 per cent. on their nominal capital.

In the other case, the retailer or small grocer, assuming that he makes a profit of 10 to 25 per cent., makes a gain of from \$500 to \$2,500—about 20 to 25 per cent. on his capital actually employed.

What sort of equality is this?

Is this equalizing taxation?

We ought to be able to find a remedy for this injustice and inequality, and bring the burden of taxation to bear where it fairly should rest, in a way that shall admit of no evasion or subterfuge.

The remedy which I suggest for this evil is, to change the existing law on the subject, so as to make the assessment, not on capital employed, but on the actual amount of sales.

By the exercise of a reasonable amount of astuteness and intelligence, the assessors will be able to get at very nearly the actual amount of sales, in any given instance, while they might be very easily baffled in ascertaining the amount of capital.

Make it the duty of every merchant and firm to furnish the Assessors a sworn statement, quarterly, of the actual amount and value of all their sales; empower the Assessor, if not satisfied with such statement, to require the production of all books, invoices and accounts, and to interrogate, under oath, principal and clerks. By this mode of procedure, in my judgment, an intelligent Assessor can arrive at the truth in any given case, and so remedy the marked inequality of the present law.

To make such changes practicable; to the great benefit and advantage of the resources of the State, I recommend every person in trade to be taxed in proportion to the amount of capital actually employed, whether owned by him, or borrowed, or held in trust for others.

It may be advisable to attach a heavy penalty for neglect or refusal to make the return or statement for the use and information of the Assessors above mentioned, and to clothe Assessors with such powers as will enforce obedience.

There can be but little doubt that the sales of merchandise at wholesale and retail, and on commission, of all descriptions in the city of New Orleans, even in the present comparatively dull state of trade, amount to at least \$200,000,000 per annum, which would yield, at the present rate of taxation, \$600,000.

I would also, in close connection with the above subject, call the attention of the Legislative body to the manifest inequality in the tariff of licenses on trades and occupations.

According to the law, as it now is, the wholesaler, though his sales amount to a million and more per annum, pays for his license but \$30.

A retail Grocer selling goods to the amount of \$5,000, (or less,) pays \$15. There is gross inequality in this, which needs correction.

If \$15 for license is a reasonable and fair amount for the small retailer, the wholesale merchant can well afford to pay a license tax of at least \$200.

Another important source from which, ultimately, a considerable increase of revenue should be derived, will be found in a more thorough and accurate assessment of

LANDS

in the State, subject to taxation, but which have not heretofore been returned or taxed.

To make this important subject fully understood, it is necessary to state that the total geographical area of the State of Louisiana is 29,658,240 acres. Of this immense area, there were returned by the Assessors, for the year 1862—

Of Cultivated lands.....	1,980,452	acres-
Of Uncultivated lands.....	7,142,688	do
As owned by the United States.....	3,300,000	do
As owned by the State of Louisiana.....	3,000,000	do
As donated by U. S. to N. O. and Opelousas Railroad Co....	990,720	do

Total.....	16,413,860	acres.
Reserved to the Schools.....	1,853,440	do
Leaving as property of owners unknown.....	11,390,940	do

In no year has there been assessed more than about 10,000,000 acres.

In 1860 the figures were—

Of lands cultivated.....	2,078,867	acres.
Of lands uncultivated.....	8,051,734	do

Some measures should be adopted to ascertain the ownership of the large balance of these lands not heretofore assessed or returned. This omission to assess would seem to be owing to neglect of duty on the part of the Assessors.

These lands, it is evident, cannot be public property, but the great bulk of them must probably have been entered, on speculation, by private individuals, as, according to the returns of the General Land Office, the United States owns but 3,300,000 acres, and the State but 3,000,000—some of which latter consist of low, or swamp lands, donated to the State by Congress, so that it is apparent that the great bulk of the balance of these lands, not heretofore assessed and returned, are above the overflow, and consequently, for agricultural purposes, valuable beyond the average of ordinary unoccupied lands within the State.

At a valuation of even \$1 per acre, they would give a valuable contribution in taxes, for extinguishing the present State debt, and providing a revenue for the future.

I have deemed it advisable to give this subject prominence in this report, in the hope that by the publicity given to it, the Assessors in the several parishes may hereafter fully execute the provisions of the laws relating to assessment, and return all the land within their respective districts.

The amount of revenue to be derived from taxation of the uncultivated lands within the State, might, it seems to me, be considerably increased by advancing the rate of taxation upon them one hundred per cent. on the rate now authorized by statute, and I recommend such increased taxation upon lands of this description, not only as a source of additional revenue, but because, in my judgment, it will tend to discourage monopoly of lands by large planters and capitalists, and encourage the sale and distribution of these wild lands into small parcels, to be owned and occupied by actual cultivators of the soil.

Another subject to which I deem it proper to invite the attention of the General Assembly is the immense amount of untaxed property within the State, and chiefly within the city of New Orleans, as to which exemptions from taxation are claimed under the general statute, or under special acts. Many of the properties are on the assessment rolls, owned by corporations, societies and charitable institutions, upon which taxes should be, but have not been collected, because the agents of such institutions claim exemption under some special or general law which the Assessors do not think, in all cases, applicable.

For the information of the Legislature, I insert in this report a full detailed statement and description of all untaxed property owned by the Government of the United States, by the State, by the city of New Orleans, by railroad and other business corporations, and by religious, charitable and other associations, classified and arranged so that the amount and description of property held by each may be seen and understood.

A summary or recapitulation of the immense amount of untaxed property exhibits the following :

APPENDIX.

PROPERTY OF THE UNITED STATES.

United States Mint	\$ 500,000
Custom House	3,000,000
Marine Hospital	500,000
Barracks	250,000
3,300,000 acres of land	3,300,000
	<u>\$7,550,000</u>

STATE OF LOUISIANA.

Three million acres land	\$3,000,000
University, Law and Medicine	150,000
State House at Baton Rouge	not known.
Penitentiary	do
Asylum for Deaf, Dumb and Blind	do
Lunatic Asylum	do
Statue of Washington, (cost)	15,000
State Library	not known.
Military Institute at Alexandria	do

PROPERTY OF THE CITY OF NEW ORLEANS.

City Hall	\$ 350,000
Police Stations	129,000
Market Houses	1,900,000
School Houses	398,000
Police Jails and City Prisons	250,000
Public Squares	1,039,950
Public Park	75,000
Engine Houses and Washington Artillery's Arsenal	224,000
Houses of Refuge and Workhouse	179,000
Cemeteries	45,000
Batture and other Real Estate	718,900
Trust Funds and other Securities	757,000
Wharves	2,500,000
Court Houses	55,000
	<u>\$8,630,850</u>

Number and value of Churches in the city of New Orleans, with their capacity for accommodating, belonging to the various denominations, as follows:

	CAPACITY.	VALUATION.
18 Catholic	17,000	\$1,192,000
4 Methodist	3,000	116,000
6 Presbyterian	5,600	267,000
2 Baptist	1,700	74,000
1 Unitarian	1,200	70,000
4 Episcopal	4,300	277,500
11 German	6,200	117,000
3 Synagogues	2,000	108,500
6 Colored	3,200	49,000
<u>55</u>	<u>44,200</u>	<u>\$2,271,000</u>

APPENDIX.

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CHURCHES IN THE PARISHES.

OF ALL DENOMINATIONS.	CAPACITY.	VALUE.
250.....	100,000.....	\$1,500,000

INCORPORATED COMPANIES.

	CAPITAL.
Orleans Navigation Company.....	\$ 1,000,000
New Orleans and Carrollton Railroad Company.....	469,500
New Orleans, Jackson and Great Northern Railroad Company...	7,000,000
New Orleans, Opelousas and Great Western Railroad Company..	7,000,000
Canal Bank	4,000,000
Citizens' Bank.....	6,763,866
Bank of Louisiana.....	3,993,400
State Bank of Louisiana.....	2,000,000
	<u>\$32,226,766</u>

PROPERTIES OF ASYLUMS, SOCIETIES AND ASSOCIATIONS.

St. Elizabeth Catholic Asylum.....	\$ 100,000
St. Joseph's Orphan, German, (Schools).....	25,000
Sister Regis Female Orphan Asylum.....	80,000
St. Vincent de Paul's Asylum.....	37,000
St. Mary's Asylum.....	81,000
St. Anna's Protestant Asylum.....	65,000
Orphans' Home	59,000
Jewish Widows' and Orphans' Home	50,000
Touro Almshouse Infirmary.....	178,000
Seaman's Friend Chapel.....	6,000
Sailors' Home.....	24,500
Poydras Asylum, Protestant.....	424,500
Masonic Hall.....	158,000
Odd Fellows' Hall.....	208,000
French Benevolent Association.....	30,000
Portuguese Society.....	12,000
New Orleans Mechanics' Institute.....	132,000
New Orleans School of Medicine	45,000
Firemen's Charitable Association.....	5,000
Franklin Temperance Hall.....	10,000
Redemptionists' Catholic School.....	94,000
Jesuits, " ".....	40,000
Nuns of St. Dominic " ".....	40,000
Bishops Odin and Blanc Catholic School.....	63,000
Congregation of the Missions Catholic School.....	25,000
Charity School, Catholic.....	4,000
Convent of the Ursulines, Catholic.....	125,000
Hôtel-Dieu, ".....	80,000
Society of St. Croix, ".....	10,000
Charity Hospital.....	300,000
	<u>\$2,511,000</u>

Corporations that pay taxes to the State, but not to the city :

Commercial Water Works Company.....	\$ 175,000
Bank of New Orleans.....	2,000,000
Mechanics' and Traders' Bank.....	1,500,000
Southern Bank.....	1,250,000
Crescent City Bank.....	1,000,000
Merchants' Bank.....	1,500,000
Bank of America.....	500,000
Union Bank.....	1,500,000
Orphans' Home.....	50,000
	<u>\$9,475,000</u>

Corporations that pay taxes to the city, but not to the State :

New Orleans and Carrollton Railroad Company—Real Estate.....	\$169,500
Track and Cars.....	300,000
	<u>\$469,500</u>

Number and length of Railroads in the State of Louisiana :

New Orleans, Jackson and Great Northern Railroad Co.....	88 miles.
New Orleans, Opelousas and Great Western Railroad Co.....	80 do
Vicksburg and Shreveport Railroad Co.....	50 do
West Baton Rouge and Grosse Tête Railroad Co.....	25 do
Mexican Gulf Railroad Co.....	28 do
New Orleans and Carrollton Railroad Co.....	18 do
Carrollton and Pontchartrain Railroad Co.....	6 do
Pontchartrain Railroad Co.....	4½ do
City Railroad Co.....	31 do
Total.....	<u>330½ miles.</u>

COLLEGES AND ACADEMIES.

Centenary.....	\$50,000
Jefferson.....	
Mount Lebanon University.....	
Attakapas College.....	
Minden Female Academy.....	
Mansfield Female College.....	

The Auditor has no information as to the cost or value of the property of either of the above institutions, except the Centenary, which cost \$50,000.

There are several Convents in the parishes, the most extensive being that of Sacred Heart, on the river, near Jefferson College. The others are small establishments, and the same remark will apply to the Asylums located at Donaldsonville, Baton Rouge, Bayou Sara, Alexandria and elsewhere.

Excepting the Poydras Asylum, which owns property at Jefferson City valued at \$100,000, and the Orphans' Home, which is valued at \$50,000, the whole value of these, and of the Colleges and Academies above enumerated, would not probably exceed \$250,000.

The total amount of untaxed property in the State may be estimated at \$74,265,496, including the 11,000,000 acres of land before mentioned.

I have deemed it advisable to present herein this information in regard to the amount and description of untaxed property, deeming such knowledge worth possessing, in the event of any general revision and amendment of the laws relating to revenue and taxation, and that the Legislature may consider whether it is desirable or expedient to place any limits, or further conditions to the holding of property by societies and associations exempt from taxation.

In a wealthy community there is a strong tendency towards the accumulation of large masses of property in the possession and control of churches, corporations, and the various associations of men for benevolent, educational and other objects, and a constant endeavor on the part of the managers of such property to escape taxation on the plea of charity, &c.

There are to be found frequent instances of claims to hold large amounts of property of this description, exempt from taxation, where it is apparent that there is no just cause for such exemption, the uses and purposes to which such property is devoted being closely intermingled with purposes of private gain and speculation.

By way of illustration of this point, I would call the attention of the Legislature to the following instances:

In the First District, New Orleans, the corporation of "Christ Church" owns three lots, valued at \$7,500. For many years no taxes have been paid on this property. I can see no just reason for refusal to pay—the law only exempts churches and such property as is necessary for their actual use. The precise language of the statute is, "churches, etc., and the lots of ground thereto appurtenant, and used therewith, so long as the same shall be used for that purpose only." In this case the lots in question are rented, and a considerable revenue derived from their occupation.

It is plainly not the intention of the law that a religious corporation should hold and own, exempt from taxation, large and valuable real estates, not necessary for the legitimate purpose of public worship, but valuable as an object of sale, or for purposes of revenue.

In the same District the Poydras Asylum owns ten lots, assessed at \$25,000, and the Catholic Asylum six lots, assessed at \$15,000.

These lots are part of the property known as the Union Press, and are rented, affording a large revenue. Yet no taxes have been paid, the usual plea of "exemption" in favor of charitable associations having been allowed to operate—while it is entirely plain the property is, in no sense, used for the purpose for which the property of such establishment was made exempt.

In the Third District, New Orleans, is a whole square—319x539—with iron building, valued at \$150,000, called Touro Alms House.

It was said to have been constructed for charitable uses, for the benefit of the Jews. At present, I am informed, the title is in the name of R. D. Shep-

herd, who, it is said, intends to donate it, when finished, to the city of New Orleans; but he may die, or change his mind. It has not paid taxes, but has been exempted on the usual plea.

Hotel Dieu. This property, to avoid taxation, puts in the usual plea of charity, but on inquiry, it does not appear to come within the class of institutions which it was the intention of the Legislature to exempt.

Temperance Hall, so called, is a property situated on Rampart and Spain streets, valued at \$10,000, pays no taxes. If, as they claim, the law exempts them, why not apply the rule of exemption to every place where meetings are held, either secret or public?

Convent of the Ursulines, four arpents wide, on the Levee, with a depth of eighty arpents, in all 320 arpents, extensive buildings and other valuable improvements, value \$125,000. It is in fact a small plantation and Boarding School, and must derive a considerable revenue. Who are the beneficiaries? The public? Do they render any gratuitous services to the public for which their property should be held exempt from contributing its proportion to the expenses of Government?

Congregation of the Holy Cross. This society also has a valuable property fronting on the Levee—160 arpents—with valuable improvements, valued at \$25,000.

Odd Fellows' Hall, Camp and Lafayette streets, 102x173, large four-story brick building, valued at \$200,000, exempt from taxation by special act, with a qualification, "so long as it shall be used exclusively," &c.

It is well known that this property has been rented ever since the building was finished, affording a revenue, which fact ought to defeat the exemption.

Grand Lodge, Masonic, 78x153. Large brick building, corner St. Charles and Perdido—rented—value \$120,000.

Why, on any sound principle of legislation, should not such properties as above specified, contribute their proportion to the expenses of Government?

The foregoing instances are given from among a great number of similar cases, not by way of attack or censure of any class or society, but as instances of the facility with which large amounts of property, under our present revenue laws, escape taxation—to demonstrate the tendency to accumulate such properties claiming exemption, to show how easily such properties, and the profits or uses of them, may be directed to private objects, and that the Legislative body may be able to judge of the wisdom or folly of this policy of wholesale exemptions.

I estimate the amount of revenue which may be derived by the additions of new objects of taxation above specified, and by the operation of the several amendments above recommended, of the revenue laws, as follows:

(It will be understood that this estimate can pretend to nothing more than an approximation to the actual result.)

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Tax on Incomes assessed at \$10,000,000.....	\$	30,000
" Furniture " 5,000,000 }		
" Pianos and watches " 1,000,000 }		
" Jewelry and Plate " 2,000,000 }		24,000
" 75,000 bales Cotton at \$2 per bale.....		150,000
" 25,000 hhds. Sugar at \$1 50 per hhd.....		37,500
" 50,000 bbls. Molasses at 75 cents per barrel.....		37,500
" 10,000 bbls. Rice at 50 cents per barrel.....		5,000
" about 11,390,940 acres of land not heretofore taxed.....		30,000
" sales of merchandise, including sales on commission, say \$200,000,000 at one-fourth per cent.....		500,000
" Gambling Houses.....		120,000
" Property heretofore exempt from taxation.....		10,000
" Per capita of \$3 on 75,000 males 21 years of age or over.		225,000
Additional amount to be derived from increase of Licenses on wholesale merchants, cotton factors, &c.....		150,000
Additional license or tax on drinking houses, &c.....		200,000
Tax on property of Churches, Associations, Asylums, &c., heretofore claiming exemption, as per schedule annexed....		10,000
		<u>\$1,529,000</u>

SCHEDULE

Of property of Asylums, Societies, &c., proposed to be taxed.

Masonic Hall, (Grand Lodge,) corner St. Charles and Perdido, value \$120,000. Exempt by special act, as are all other Masonic Lodges.

Other Masonic Lodges; value \$38,000.

Odd Fellows' Hall; value \$200,000.

Poydras Asylum; properties \$424,500.

Commercial Water Works, Tchoupitoulas and Richard streets; buildings, engines, &c., value \$175,000. Claims exemption by special act.

Other small properties of a character similar to the above; value \$100,000.

New Orleans, Jackson and Great Northern Railroad Company, Camp street, large two-story brick, 84x170, value \$50,000; capital \$7,000,900.

Under its charter the property of this road is exempt for ten years after its completion to the Mississippi line. This exemption will expire in 1866. I recommend that the exemption shall not be renewed. This road has received large contributions and aid from the city and State—the city subscribed in bonds \$2,000,000, the State \$750,000. They own forty-one squares of ground contiguous to their principal depot, besides track, &c., and office in Camp street,) and there is no good reason why it should not pay its share of taxes. It gives nothing to the State, nor to the public. After 1866 it should be made to yield at least a tax annually of \$5,000.

New Orleans and Carrollton Railroad Company, capital \$469,000; Real Estate in city \$58,000.

By the terms of the charter of this Company, it is exempt from taxation for State, but not city purposes, until the year 1908.

Consider whether this exemption can be repealed without violating vested rights. If it can legally be done, it ought to be repealed. It is a valuable property and can well afford to pay taxes.

New Orleans, Opelousas and Great Western Railroad, capital \$7,000,000.

Road completed to Berwick's Bay, a distance of eighty miles from the city, and has been graded to Vermillion, a distance of sixty-three miles from Berwick's Bay. Work of construction suspended.

To aid this road and other railroads, an act of the Legislature was passed to subscribe, in State bonds, one-fifth of its capital stock, payable in the proportion of one-fourth of the actual receipts from other sources.

Bonds have been issued under this act for the benefit of this road to the amount of \$650,000.

The city of New Orleans subscribed \$1,500,000. The United States donated, in alternate sections along the line of the road, 990,720 acres of land. Private subscriptions and taxes, levied in the parishes, amount to \$724,000.

The same remarks will apply as to the policy of taxing the property of this road, (after its completion,) as in the case of the New Orleans, Jackson and Great Northern Railroad.

SCHEDULE

Of Real Estate and other Property belonging to the City of New Orleans, exempt from taxation.

FIRST DISTRICT.

1. City Hall, corner St. Charles and Lafayette streets, 91-7 by 170-6; Lafayette street, 50 by 125.....	\$ 350,000
2. Recorder's Office, corner St. Charles and Lafayette streets, 50 by 126 feet.....	35,000
3. Police Station, corner Robinson and Chippewa streets, 64 by 55 feet.....	4,000
4. St. Mary's Market, on Tchoupitoulas, between North and South Market streets, and extending to the river, large brick, iron columns, plastered and slated.....	170,000
5. Poydras Market, on Dryades, between Baronne and Rampart, large brick, iron pillars, plastered and slated.....	380,000
6. Dryades Market, on Dryades street, between Thalia and Terpsichore streets, large brick, iron columns and plastered, 356 by 128 feet.....	100,000
7. Claiborne Market, on Claiborne, between Common and Gasquet streets, plastered, iron columns and slated.....	25,000
8. Jackson School House, corner of Chippewa and Richard sts., large two-story frame, with galleries on both sides, 84 by 125 feet.....	12,000

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9. Washington School, corner of Magazine and Terpsichore sts., large two-story frame, galleries all around, 160 by 128 feet	16,000
10. Webster School, on Dryades, between Thalia and Erato sts., large two-story frame, with galleries, 80 by 128 feet.....	14,000
11. Jefferson School, corner of Dryades and Erato streets, large two-story frame, with galleries, 80 by 128 feet.....	12,000
12. Paulding School, corner of Constance and Clio streets, large two story brick and frame, 78 by 128 feet.....	12,000
13. Franklin School, on St. Charles street, between Girod and Julia streets, large two-story brick, galleries above on front and rear, 100 by 100 feet.....	30,000
14. Marshall School, in rear of Franklin, and fronting on St. Mary's street, large two-story brick, gallery above, 100 by 52 feet.....	15,000
15. Fisk School, corner Franklin and Perdido sts., large two-story frame, gallery above and below all around, 120 by 120 feet	15,000
16. Madison School, corner of Palmyra and Prieur streets, large two-story frame, portico on fluted columns, and galleries on the sides, 162 by 109 feet.....	18,000
17. House of Irad Ferry Fire Company No. 1, on Tchoupitoulas street, between Orange and Race streets, two-story brick, 26-6 by 128 feet.....	6,000
18. House of Volunteer Fire Company No. 1, on Hunter street, between Tchoupitoulas and Peter streets, two-story brick, 25 by 96 feet.....	7,000
19. House of Washington Fire Company No. 20, on Thalia, between Baronne and Dryades streets, two-story brick, 32 by 128 feet.....	7,000
20. House of Jackson Fire Company No. 18, on Calliope, between St. Charles and Carondelet streets, two-story brick, 23 by 127 feet.....	7,000
21. House of Mississippi Fire Company No. 2, on Tchoupitoulas street, between Natchez and Poydras streets, two-story brick, 17 by 79.....	7,000
22. House of Perseverance Fire Company No. 13, on Perdido, between St. Charles and Carondelet streets, two-story brick, 24 by 102 feet.....	7,000
23. House of Louisiana Hose Company, corner of Carondelet and Perdido streets, two-story, 25 feet 7 inches by 110 feet....	12,000
24. House of American Hook and Ladder Company No. 2, on Girod, between St. Charles and Carondelet streets, brick, 31 by 98 feet.....	7,000
25. House of Columbia Fire Company No. 5, on Girod, between St. Charles and Carondelet streets, brick, adjoining American Hook No. 2, 31 by 98 feet.....	6,000

26. House of Philadelphia Fire Company No. 14, on Common, between Howard and Liberty streets, brick, two-story and plastered, 26 by 120 feet.....	8,000
27. House of Mechanics' Fire Company No. 6, corner of St. Joseph and Commerce streets, brick, two-story and plastered, 24 by 190 feet.....	7,000
28. Washington Artillery's Arsenal, on Girod, between St. Charles and Carondelet, large two-story brick, plastered, roof burnt in 1863 and not repaired, 22 by 110 feet.....	8,000
29. Draining Machine, at intersection of Melpomene and Claiborne streets, including building, machinery, &c.....	30,000
30. Annunciation Square, bounded by Annunciation, Chippewa, Race and Orange streets, 487-6 by 319, granite foundation and heavy iron rails.....	125,000
31. Coliseum Square, bounded by Coliseum, Camp, Terpsichore and Race streets, 920 by 270, the other sides irregular, iron rails.....	80,000
32. Tivoli Circle, at the intersection of St. Charles and Delord streets, 262-6 in diameter, granite basement and heavy iron rails.....	50,000
33. Lafayette Square, bounded by Camp and St. Charles, North and South streets, 367-9 by 342-9, granite basement and iron rails.....	250,000
34. Vacant lot of ground, corner of Dryades and Hevia streets, 64 by 159 feet.....	3,000
35. Nine vacant lots, on north side of Erato, between Baronne and Dryades streets, used by the Street Commissioner and bought for a normal school, 107 by 159-9 feet.....	15,000
36. Girls' House of Refuge, corner of Annunciation and Calliope streets, large two story brick, with gallery above and below, 100 by 100 feet.....	15,000
37. Boys' House of Refuge, in the square bounded by Liberty, Magnolia, Cypress and Perdido streets, one-story frame and two story frame, 80 by 245 feet.....	20,000
38. City Workhouse, adjoining the Boys' Refuge, two-story brick, wood buildings for prisoners, work-shops, cisterns, walls, &c., 160 by 245 feet.....	45,000
39. Iron Building, at foot of Canal street, intended for water works, with iron pipes.....	80,000
Nine vacant squares forming the batture in front of the city, and bounded as follows :	
40. Square G, Front, Delta, Canal and Gravier streets, 217 by 137-8, containing 9 lots.....	54,000
41. Square H, Front, Delta, Gravier and Poydras streets, 302 by 137-8, containing 12 lots 124 by 10.....	60,000

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42. Square I, Front, Delta, Poydras and Lafayette streets, 370 by 125, containing 16 lots.....	64,000
43. Square P, Front, Delta, Lafayette and Girod streets, 354-6 by 125, containing 15 lots.....	45,000
44. Square K, Delta, Front, Girod and Notre Dame streets, 240-5 by 125, and containing 10 lots.....	25,000
45. Square L, Delta, Front, Notre Dame and Julia streets, 222-4 by 125, 9 lots.....	18,000
46. Square M, Delta, Front, Julia and St. Joseph streets, 535-8 by 125, containing 23 lots.....	46,000
47. Square N, Delta, Water, St. Joseph and Julia streets, 536-10 by 125, containing 23 lots.....	46,000
48. Square O, Delta, Water, Julia and Notre Dame streets, 222-4 by 125, containing 9 lots.....	18,000
	<u>\$2,376,000</u>

SECOND DISTRICT.

1. The Parish Prison, being half of square, bounded by Orleans, St. Ann, Liberty and Marais streets, 128 by 138 feet, with large three-story brick building, plastered. Value....	\$ 125,000
2. The Police Jail, being the half of same square, 128 by 140 feet, with large three-story brick building, plastered. Value....	125,000
3. The Court House, situated at, and forming the corner of North Orleans and St. Ann streets, fronting on Chartres street, 117 by 110, with large two-story brick building, plastered. Value....	55,000
4. The Recorder's Office and Lockup, situated at, and forming the corner of, South Orleans and St. Peter streets, fronting on Chartres street, 107 by 134, with large three-story brick building, plastered, together with State Arsenal in rear, fronting on St. Peter street. Value....	65,000
5. The Meat Market, situated on the Levee, between St. Ann and Dumaine streets, with large heavy brick building, plastered, iron columns, slate roof. Value....	350,000
6. The Vegetable Market, comprising the square bounded by St. Philip, Ursulines, Peter and Decatur streets, large, heavy brick building, plastered, iron columns and slate roof. Value....	400,000
7. The Fruit Market, comprising the square between St. Philip, Decatur and Peter streets, iron buildings. Value....	65,000
8. The Trémé Market, on Orleans street, between Marais, Villere and Robertson streets, large building with iron columns and slate roof. Value....	200,000
9. The St. Philip School House, fronting on St. Philip, between Royal and Bourbon streets, 64 by 192, with large three-story brick building, plastered, gallery above, iron columns, slate roof. Value....	30,000

10. The Barrack Street School House, fronting on Barrack, between Dauphine and Burgundy, 64 by 128, with large three-story brick building, plastered, with gallery above, iron columns and slate roof.	Value....	25,000
11. The Bienville Street School House, corner of Bienville and Robertson streets, 79 by 96, large two-story frame and slate roof.	Value....	13,000
12. The Orleans School House, fronting on St. Ann street, between Marais and Villere streets, 64 by 141, with large one story frame, plastered inside, slate roof, five large rooms.	Value....	12,000
13. The Claiborne Street School House, fronting on Claiborne street, from St. Peter to Carondelet Walk, 66 by 181, large three-story frame, 165 feet deep, slate roof.	Value....	12,000
14. The Bayou Street School House, on Triangle, between Esplanade street, Washington Avenue and Broad street, old, one-story frame building.	Value....	4,000
15. House of Vigilant Fire Company No. 3, fronting at the junction of Bayou Road and Esplanade streets, between Galvez and Miro streets, two-story brick, plastered, slate roof.	Value....	10,000
16. House of Pelican Hook and Ladder Company No. 4, Basin, between Bienville and Conti streets, 21 by 128 feet, two-story brick, plastered.	Value....	8,000
17. House of Eagle Fire Company No. 7, Dauphine street, between Customhouse and Bienville streets, 32 by 128 feet, large two-story brick, plastered, and outhouses.	Value....	10,000
18. House of Louisiana Fire Company No. 10, Dumaine, between Rampart and St. Charles streets, 30 by 100, two-story brick building, plastered, and outhouses.	Value....	8,000
19. House of Orleans Fire Company No. 21, Claiborne, between St. Peter and Orleans streets, 38 by 110, two-story brick building, plastered, and outhouses.	Value....	10,000
20. Draining Machine, 1st Section, Orleans street, Hagan avenue, with buildings, engines and machinery.	Value....	30,000
21. Draining Machine, 2d Section, Hagan avenue and Bienville street, buildings, engines and machinery.	Value....	25,000
22. The City Pound, Second and Third streets, corner of Orleans and Claiborne streets, 81 by 110, with frame buildings.	Value....	6,000
23. Jackson Square, bounded by St. Ann, St. Peter, Chartres and Decatur streets, 332 by 347, with heavy iron rail, granite base.	Value....	180,000
24. Place d'Armes, bounded by St. Ann, St. Peter, Rampart and St. Claude streets, 320 by 347, with iron rails, brick base and granite slab.	Value....	110,000

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25. St. Anthony's Square, in rear of St. Louis Cathedral, fronting on Royal street, between North and South Orleans streets, iron rails and plastered, 98-9 by 130 feet, granite base.	Value....	8,000
26. Public Square, four squares, bounded by Duple, Salcedo, St. Ann and St. Peter streets.	Value....	10,000
27. The City Park, containing an area of about 161 acres, bounded by Ursuline, St. Louis, Metairie Road and Monroe avenue.	Value....	75,000
28. Seven Lots of Ground, (McDonough School Fund,) in square bounded by St. Philip, Dumaine, Broad and White streets, 202 by 100, vacant.	Value....	1,500
29. Two Lots of Ground, irregular, in square bounded by Bayou Road, Barrack, Robertson and Esplanade streets, 85 by 53, vacant.	Value....	600
30. One Triangle Lot, corner Bayou Road and Roman streets, 51 by 61, vacant.	Value....	300
31. Triangle Lot, on Levee between St. Louis and Conti streets, vacant.	Value....	5,000
32. Batture Property, Square R, between Toulouse and Levee sts., Peter and Levee, 12 lots, each 25 by 100 feet.	Value....	36,000
33. Square B, between St. Louis and Conti, Peter and Levee sts., 13 lots, each 25 by 120 feet.	Value....	45,500
34. Square C, between Conti and Bienville, Clay and Levee sts., 12 lots, 25 by 120 feet.	Value....	48,000
35. Square D, between Bienville and Customhouse, Clay and Levee sts., 12 lots, 25 by 120 feet.	Value....	54,000
36. Square E, between Customhouse and Crossman, New Levee and Levee sts., six lots, each 23-3 by 120 feet.	Value....	30,000
37. Square F, between Crossman and Canal sts. and New Levee, six lots, each 23-3 by 120 feet.	Value....	3,000
		<u>\$2,221,900</u>

THIRD DISTRICT.

1. The Recorder's Office and Police Station, on Elysian Fields, adjoining corner of Dauphine street, 36 by 131, large three-story brick front, and two-story brick rear, plastered and slate roof.	Value....	13,000
2. The Port Market, on Levee, corner of Elysian Fields, large iron pillars and slate roof.	Value....	20,000
3. The Washington Market, corner Loutsa and Moreau streets, 63 by 127 feet, small iron pillars and slate roof.	Value....	10,000

4. The St. Bernard Market, corner Claiborne and St. Bernard streets, triangle, 191 by 176, small iron pillars, slate roof, with lots adjoining. Value.... 15,000
5. The Bayou School House, corner Bayou and Dorgenois sts., 46 by 160, large one story frame. Value.... 8,000
6. The Fillmore School House, on Bagatelle, between Goodchildren and Marais streets, 64 by 135, large two-story frame building, brick basement, 10 feet, two galleries above. Value.... 20,000
7. Washington Girls' School House, on Moreau, between Louisa and Piety streets, 84 by 160, large two-story frame, gallery above and below, front and side, brick basement, seven feet elevation. Value.... 20,000
8. Washington Boys' School House, adjoining the above, 72 by 160, old two-story brick and frame. Value.... 4,000
9. The DeSoto School House, on Mandeville, between Love and Goodchildren streets, large frame, two-story, gallery above and below, front and sides, brick basement, six feet clear and outhouses, 52 by 300 feet. Value.... 20,000
10. The Macarty School House, between Pauline, Jeannie, Moreau and Casacalvo streets, 118 by 235 feet, on Pauline and Jeannie sts., and 26 by 100 feet, on Moreau, large old brick frame house, two-stories, gallery all around, plastered, shingle roof. Value.... 12,000
11. The Milneburg School House, on Columbia, between Frenchman and Union streets, 117 by 128, frame building. Value.... 1,000
12. House of Hope Hook and Ladder Company No. 3, corner of Marigny and Peter streets, 21 by 60, large two-story brick, plastered. Value.... 9,000
13. House of Phoenix Fire Company No. 8, on Victory, between Mandeville and Marigny streets, 44 by 75 feet, large two-story brick, plastered. Value.... 9,000
14. House of Creole Fire Company No. 9, on Esplanade, between Victory and Frenchman streets, triangle lot, 59 by 65, large two-story brick, plastered. Value.... 8,000
15. House of Crescent Fire Company No. 24, Dauphine street, between St. Ferdinand and Port streets, 29 by 100 feet, two-story brick, plastered. Value.... 6,000
16. Draining Machine, on London Avenue, buildings, engine and Machinery. Value.... 50,000
17. Old Third District Pound, on Goodchildren street, between Louisa and Clouet streets, 100 by 118 two old frame houses, one-story each. Value.... 2,000

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18. A piece of ground, bounded by Mexico and Dublin streets, and East and West Elysian Fields, left by A. Milne for the erection of a market.	Value ...	500
19. Washington Square, bounded by Royal, Dauphine, Elysian Fields and Frenchman streets, 309-4 by 309-9 feet, plain iron rails and granite basement.	Value....	80,000
20. Macarthy Square, bounded by Pauline, Jeannie, North and South Rampart streets, 476-6 by 236.	Value....	10,000
21. Clalborne Circle, at the intersection of Clalborne and St. Bernard streets, 200 feet diameter, iron rails.	Value....	6,000
22. Independence Place, bounded by East and West Washington avenue, Solidelle and Josephine streets.	Value....	4,000
23. Desaix Place, bounded by Hamburg, Madison, Abundance and Treason streets.	Value....	2,500
24. Sun Place, bounded by Broad, London and Marigny avenue,	Value....	2,000
25. Commerce Place, bounded by Elysian Fields, Marigny, North and South Florida Walk.	Value....	2,000
26. Constitution Place, bounded by Hunter and Painter streets, North and South Florida Walk.	Value....	1,500
27. Jefferson Square, bounded by Desire, Elmira, North and South Josephine streets.	Value....	1,000
28. Union Place, bounded by East and West Washington avenue, Humanity and Ne Plus Ultra streets.	Value....	2,000
29. Force Square, bounded by East and West Peoples avenue, Humanity and Ne Plus Ultra streets.	Value....	2,000
30. Hopkins Square, bounded by East and West Franklin avenue, Gentilly avenue and St. Gerard street.	Value....	1,500
31. Isis Square, bounded by East and West Paris avenue, Rion and Mithra street.	Value....	1,000
32. Oairis Square, bounded by East and West St. Anthony's avenue, Rion and Mithra streets.	Value....	1,000
33. St. James Square, bounded by East and West Washington avenue, Rion and Mithra streets.	Value....	500
34. Miltenberger Square, bounded by East and West Peoples avenue, Rion and Mithra streets.	Value....	500
35. Carou Square, bounded by East and West Gaines avenue, Rion and Mithra streets.	Value....	500
36. Foreigners' Square, bounded by North and South Edinburgh avenue, and East and West Paris avenue.	Value....	500
37. Rome Square, bounded by North and South Edinburgh avenue, and East and West St. Anthony's avenue.	Value....	500

38. National Square, bounded by East and West Washington avenue, and North and South Edinburgh avenue. Value....	500
39. Amsterdam Square, bounded by East and West Peoples avenue, and North and South Edinburgh avenue. Value....	500
40. Gaines Square, bounded by East and West Gaines avenue, and North and South Edinburgh avenue. Value ...	500
41. Three lots on Levee, to corner of Mandeville, each 25 feet 3 inches by 63 feet 4 inches. Value....	6,000
42. A Piece of Ground in square bounded by Chartres, Royal, Pauline and Jeannie streets, 116 by 232 feet, vacant. Value....	1,000
43. One-half Square, bounded by Pauline, Solidelle, Independence and Josephine streets, 341 by 128 feet, vacant. Value... .	250
44. Four Lots in square bounded by Mandeville and Spain, Rampart and Goodchildren streets, on Spain, 5 $\frac{1}{2}$ by 150, on Mandeville 50 by 150 feet. Value....	1,500
	<hr/> <hr/>
	\$354,950

FOURTH DISTRICT.

1. Recorder's Office, square 45, Bousseau, between Jackson and Phillip streets, large two-story brick lock-up, formerly Court-house and Jail, Parish of Jefferson; 64 by 128 feet. Value....\$	8,000
2. Soraparu Market, Soraparu, between Levee and Rousseau streets, large house, iron pillars, plastered and slated. Value....	30,000
3. Magazine Market, bounded by Magazine, St. Mary and Camp streets, large new market. Value....	130,000
4. Ninth Street Market, bounded by Magazine, Camp, Constance and Ninth streets, small, 32-by 150 feet. Value....	15,000
5. Magnolia School, on Apollo, between Jackson and Phillip streets, 80 by 141 on Jackson, and 127-8 by 132-9 on Phillip, large two-story brick, gallery above and below. Value....	15,000
6. Branch of Live Oak School, on Constance, between Ninth and Harmony streets, old frame, 68 by 100 feet. Value....	5,000
7. Live Oak School House, corner of Constance and Ninth streets, large three-story brick, galleries and slated, and outbuildings, 128 by 126 feet. Value....	10,000
8. McDonough School House, Laurel, between Phillip and First streets, large double two-story brick, and plastered, 77 by 160 feet. Value....	15,000
9. Laurel School, corner of Laurel and Phillip streets, large two-story frame, galleries above and below, with outbuildings for classes, 128 by 120 feet. Value....	15,000

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10. Girls' High School, Chestnut, between Jackson and Phillip streets, large one-story frame, 10 feet elevation, extensive galleries, 69-6 by 128 feet.	Value	13,000
11. Chalmette Fire Company No. 23, on Washington, between Camp and Magazine streets, brick, 52 by 103 feet.	Value....	7,000
12. Jefferson Fire Company No. 22, on Levee, between Phillip and Soraparu streets, brick, plastered, 24 by 116 feet.	Value....	7,000
13. Lafayette Hook and Ladder Company No. 1, on Jackson, between Rousseau and St. Thomas Streets, brick, plastered, 32 by 128 feet.	Value....	8,000
14. Engine House No. 11, on St. Mary's, between Religious and Rousseau streets, used occasionally for a school-house, brick, plastered, 27-6 by 128 feet.	Value....	7,000
15. Clay Square, between Chippewa, Annunciation, Second and Third streets, granite base and heavy iron rails, 252 by 357 feet.	Value....	50,000
16. Fillmore Square, between Third, Washington, Howard and Freret streets, wooden fence, ground finely improved, 352 by 554 feet.	Value....	20,000
17. Taylor Square, between Third, Washington, Derbigny and Roman streets, no improvements, 276 by 554 feet.	Value....	2,000
18. Vacant Lot in square bounded by Dryades, Laurent, Jackson and Josephine, on Josephine, second lot from Dryades street, being abandoned by the city when Dryades street was opened and widened, 32 by 103 feet.	Value....	500
19. Lafayette Cemetery, between Washington, Sixth, Coliseum and Prytania streets, 300 by 450 feet.	Value....	3,500
20. New Cemetery, bounded by Washington, Sixth, St. Patrick and St. David streets, 450 by 300 feet.	Value....	10,000
21. Washington, between Prytania and Coliseum.	Value....	3,500
		<hr/>
City Wharves—Value of the City Wharves.....		\$406,000
The Powder Magazine, on right bank, about six miles below the city.....		\$2,500,000
A Tract of Ground, in the parish of St. Bernard, one and a half arpents front by eighty in depth, known as the Chalmette fortifications		5,000
Value of Ground, paying ten per cent. interest as ground rent..		10,000
Value of Engines, Hose, Apparatus, and in hands of Fire Department to be accounted for by them.....		112,000
Powder Mill, in rear of United States Barracks, built on United States land		28,000

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RECAPITULATION :

First District.....	\$2,376,000
Second District	2,221,900
Third District.....	354,950
Fourth District.....	406,000
Sundry Properties.....	2,655,000
	<u>\$8,013,850</u>

STOCKS.

Commercial Bank Water Works.....	500,000
Jackson Railroad.....	2,000,000
Opelousas Railroad.....	1,500,000
Total Stocks.....	<u>\$4,000,000</u>

TRUST FUNDS.

McDonough School Fund, amount invested in Confederate City Defence Bonds	\$334,300
Cash on other assets	362,200

PINK FUND.

Amount invested in Confederate City Defence Bonds and Confed- erate States Bonds.....	60,500
Cash and other assets	99,432

GIROD FUND.

Under Special care of the Mayor, invested in City Bonds.....	73,525
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SICKLES FUND.

Left for the establishment of a Free Dispensary.....	20,000
	<u>\$949,958</u>

LIST OF PROPERTY IN THE FIRST DISTRICT EXEMPT FROM TAXATION :

Peters, Front, Terpsichore and Henderson streets—Orphan Asy- lum, four lots	6,000
Peters, Front, Terpsichore and Robin streets—	
Police Jury, fourteen lots....	35,000
Orphan Asylum, seven lots...	17,500
Firemen's Char. Ass., two lots,	5,000
Christ Church, three lots....	7,500
Charity Hospital, seven lots...	17,500
Shipper's Press.....	
Peters, Tchoupitoulas, Terpsichore and Henderson streets—	
Charity Hospital, thirteen lots,	32,500
Poydras Asylum, ten lots....	25,000
Catholic Asylum, six lots....	15,000
Police Jury, two lots.....	5,000
Union Press.....	

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Race, Magazine, Orange and Camp streets, Annunciation Church, 96 by 120 feet, vacant.....	6,000
Female Orphan Asylum, Catholic, Magazine and Race streets, 130 by 170 feet, large cottage with basement	20,000
Daughters of Charity, St. Vincent De Paul, Catholic, Magazine street, 30 by 110 feet.....	3,500
Southern Baptist Association, corner Camp and Terpsichore streets, 91 by 128 feet, large brick, capacity 1200.....	60,000
New Orleans and Carrollton Railroad Company, Felicity, 64 by 130 feet; Polymina, 64 by 130 feet; St. Charles, 37 by 94 feet, large brick, 3 tables.....	30,000
German Lutheran Church, Dryades, near Felicity, 64 by 128 feet, large brick, capacity 800.....	30,000
German Protestant Church, Euterpe, near Baronne street, 64 by 100 feet, frame, capacity 500.....	6,000
St. Luke's Church, Episcopal (burnt), Rampart, 96 by 97 feet: Basin, 32 by 97 feet	5,000
Presbyterian Church, Franklin and Thalia, 60 by 98 feet, frame, capacity 500	5,000
Colored Church, Methodist, Melpomene, near Locust, 32 by 112 feet, frame, capacity 500.....	4,000
Society St. Vincent de Paul, Thalia, vacant, 50 by 110 feet, Annunciation, 119 by 192 feet, large two-story brick.....	25,000
New Orleans Seaman's Friend Society, Peters and Erato, 45 by 110 feet, improvements valueless.....	1,500
Sailor's Home, Peters and Erato 125 by 138 feet, large four-story brick, plastered	23,000
Touro Infirmary, Peters and Calliope, 192 by 192, large two-story brick.....	28,000
Archbishop Odin, Catholic, Constance and Poyfarre, 44 by 154 feet, large four-story brick, school, etc.....	21,500
Archbishop Odin, Constance, near Poyfarre, 66 by 121 feet, large two-story, brick, school, etc.	10,000
St. Paul's Church, Episcopal, Camp and Galennie, 64 by 120, large brick, capacity 1200.....	80,000
New Orleans Female Orphan Asylum, (Catholic,) Prytania, large three-story brick	60,000
St. Theresa Church, large, brick, capacity 800.....	50,000
Presbyterian Church, Prytania and Calliope, 38 by 125, large, frame, capacity 600.....	10,000
German Church, Protestant, Clio, near St. Charles, 58 by 120, frame, capacity 600.....	10,000

New Orleans and Carrollton Railroad Company, Calliope, near St. Charles, 125 by 160.....	8,000
Depot on St. Charles, 266 by 310 Carondelet street.....	70,000
Poydras Asylum, Protestant, St. Charles and Julia, 223 by 160.....	36,000
Julia and Carondelet, 160 by 160.....	15,000
Improvements on the above.....	125,000
Hebrew Congregation, (same square), Carondelet, 150 by 160, large, brick, capacity 800.....	80,000
Ground belonging to Poydras Asylum.....	20,000
St. John de Baptist, Catholic Dryades and Clio, 146 by 127, large, brick, capacity 700, and brick school houses attached.....	60,000
Nuns of St. Dominic, Catholic, large, brick, partly used for schools, Dryades and Calliope, 112 by 127.....	40,000
Archbishop Blanc, Rampart and Clio, 28 by 127, small frame...	2,000
Poydras Asylum, Protestant, Poydras and Peter, 43 by 157, large three-story, brick, and plastered.....	30,000
Commerce and Poydras, large two story brick, 42 by 125 feet...	30,000
Poydras and Commerce, four large three-story brick, 33 by 88 feet	46,000
Foucher and Poydras, five large four story brick, 239 by 83 feet.	60,000
Orphan Asylum, Protestant, Poydras near Magazine, three-story brick, 20 by 63 feet.....	9,000
St. Patrick's Church, Catholic, Camp, near Julia, large brick, capacity 1,500, 121 by 170 feet.....	200,000
Archbishop Blanc, { Camp, near Julia, 51 by 170 feet.....	6,500
{ Magazine, near Girod, 51 by 170 feet.....	15,000
Odd Fellows' Hall, Camp and Lafayette, large four-story brick, plastered, 102 by 173 feet.....	200,000
N. O., Jackson and G. N. R. R. Co., Camp, near Lafayette, large two-story brick, 84 by 170 feet.....	50,000
Methodist Depository, Camp, near Poydras, large four-story brick, 21 by 128 feet.....	13,000
Presbyterian Publishing House, Camp, near Natchez, large brick, four-story, 30 by 170 feet.....	26,000
Louisiana State Bank, Branch. Camp, near Common, large brick, 35 by 119 feet.....	40,000
First Presbyterian Church, South and St. Mary streets, large brick, capacity 1,500, 100 by 149 feet.....	120,000
Southern Bible Society, Presbyterian, Camp, near Girod, large three-story brick, 27 by 153 feet.....	15,000
Unitarian Church, St. Charles, near Julia, large octagon, brick, capacity 1,000, 78 by 153 feet.....	72,000
Bank of Louisiana, Carondelet, near Lafayette, large three-story brick residence, 26 by 150 feet.....	10,000

APPENDIX.

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Grand Lodge, Masonic, St. Charles and Perdido, large brick, plastered, 78 by 153 feet.....	120,000
N. O. and Carrollton R. R. Co., Baronne, near Canal, three-story brick, depot, 21 by 133 feet.....	13,000
Jesuits' Church, Catholic, Baronne and Common, large brick, capacity 1,200.....	80,000
Large brick school house, 70 by 125 feet.....	40,000
Orphan Asylum, Boys', Carondelet, near Perdido, large three-story brick, 25 by 100 feet.....	15,000
N. O. and Carrollton R. R. Co., Poydras and Baronne, 9 by 90 ft. Perdido and Baronne, 60 by 220 feet.....	5,000 30,000
Mayhee Church, Methodist, Carondelet, near Girod, large brick, capacity 1,000, 54 by 176 feet.....	60,000
N. O. and Carrollton R. R. Co., Baronne, near Perdido, small one-story brick, three tenements, 84 by 75 feet.....	10,000
Mechanics' Institute, Dryades, near Common, large brick, 87 by 148 feet.....	60,000
University of Louisiana, Common and Baronne, large three-story brick, 311 by 209 feet.....	150,000
Fourth Presbyterian Church, Liberty and Gasquet, large brick, capacity 1,000, 71 by 100 feet.....	40,000
Baptist Church, Colored, Howard and Cypress streets, 46 by 125.	2,000
St. Joseph Church, Catholic, Common, near Marais street, 96 by 120 feet, large brick, capacity 1,000.....	60,000
Congregation of the Missions, Catholic, Marais and Common sts., 126 by 128 feet, large two-story brick, school, &c.....	25,000
Charity Hospital, Common and Liberty streets, 437 by 402 feet, large brick, whole square.....	250,000
New Orleans School of Medicine, Common and Villere streets, 91 by 100 feet, large two-story brick.....	45,000
Hotel Dieu, Catholic, whole square on Common street, 245 by 492 feet, large two-story brick, white plaster.....	80,000
Marine Hospital, United States, entire square, Common street, 517 by 524 feet, large iron building.....	500,000
St. Paul's Church, Methodist, colored, Liberty, near Perdido st., 72 by 160 feet, frame, capacity 600.....	12,000

CEMETERIES.

Hebrew, Canal street, 7 lots.....	7,000
Christ Church, Girod street, 625 by 245 feet.....	50,000
Fireman's Charitable Association own ten squares, viz : 786, 787, 790, 791, 794, 795, 796, 797, 800, 801, bounded by new canal, Canal street and Cypress Grove Cemetery.....	40,000

PROPERTY IN THE SECOND DISTRICT, NEW ORLEANS, CLAIMING EXEMPTION FROM TAXATION, \$3,740,000.

Custom House, entire square, Canal street, granite.....	3,000,000
Citizens' Bank, Royal and Customhouse, 58 by 89, large brick banking house.....	50,000
Bank of Louisiana, banking house, Royal and Conti, 75 by 139, large brick.....	75,000
State Bank of Louisiana, Royal and Conti, 63 by 128, large brick banking house.....	50,000
Mechanics' Institute, Bourbon and Customhouse, 25 by 96, three-story brick.....	12,000
Christ Church, Episcopal, Canal and Dauphine, capacity 1,200...	120,000
St. Anthony's Church, Catholic, Rampart and Conti, 72 by 84, large brick, capacity 700.....	15,000
Soule Chapel, colored, Marais, near Conti, frame, capacity 400...	5,000
St. James Chapel, Methodist, colored, Roman, near Bienville, 50 by 148, brick, plastered, capacity 600.....	10,000
St. John's Church, German, Courthouse and Prieur, 54 by 110; Johnson, 57 by 133, frame, capacity 500.....	10,000
Hebrew Synagogue, Rampart, near Conti, 63 by 131, large brick, capacity 800.....	20,000
Masonic Lodge, Germania, St. Louis, near Roman, 150 by 106, two-story frame.....	5,000
French Benevolent Society, St. Ann, near Roman, large three-story brick, 120 by 114, plastered.....	30,000
St. Philip's Church, Catholic, St. Philip, near Roman, large brick, capacity 800.....	40,000
St. Louis Cathedral, Catholic, Chartres, near St. Peter, large brick, capacity 2,000.....	200,000
Los Angeles, Masonic, Main, near Villere, 52 by 127 feet.....	6,000
St. Augustine Church, Catholic, Bayou Road, near Marais, large brick, capacity 1,000, 150 by 250 feet.....	50,000
St. Andrew's Lodge, Masonic, Conti, near Villere.....	5,000
Perfect Union, Masonic, Rampart, near Main, two-story brick, 110 by 209 feet.....	15,000
Catholic Cemeteries, square 189, Customhouse, Robinson, Bienville and Claiborne streets, 256 by 297; square 190, Conti, Robinson, Bienville and Claiborne, 256 by 325 feet; square 191, Conti, Robinson, St. Louis and Claiborne, 256 by 269; squares 120 and 121, Conti, Basin, St. Louis and Liberty, 287 by 279 and 287 by 282 feet.....	90,000
Hebrew Cemetery, Church, between St. Anthony and Helena, 7 lots	7,000

APPENDIX.

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St. Patrick's Cemetery, Canal, Helena, Customhouse and Virginia ; also squares 638, 637 and 643, old to new, Metairie.....	15,000
Odd Fellows' Rest, Metairie, squares 313, 229 and 260.....	15,000
Charity Hospital Cemetery, squares 640, 638, 642 and 643, old to new, Metairie, on the line of St. Patrick's and Cypress Grove Cemetery No. 2.....	15,000
Cypress Grove Cemetery No. 2, squares 641, 644, 642 and 645, old to new, Metairie and the line between Charity Hospital and Greenwood Cemeteries.....	15,000
Greenwood Cemetery, squares 646, 647, 649, 650, 648 and 641, and all of 645, Canal street, New Canal, new Metairie and Cypress Grove No. 2.....	25,000
Ursuline Church, St. Mary's, Catholic, Chartres, near Hospital, large brick, capacity 1,200, 186 by 150 feet.....	80,000
Charity School, Catholic, Bayou Road, near Rampart, 25 by 150.	4,000
Lusitania Portuguese Association, Bayou Road, near Liberty, 27 by 190 feet.....	12,000
United States Mint, Esplanade and Levee, whole square, large brick.....	500,000
Archbishop Odin, Catholic, Ursuline and St. Philip, 60 by-120 feet, and on St. Philip, church and dwelling, capacity 500, 120 by 100 feet.....	20,000
Commissioners of First Draining Section purchased at a sale for draining, 472 squares, lying between the old and new Canal, and rear of the City Park, that did belong to the following Asylums: Orphan Boys', 110 squares; Asylum for Destitute Orphan Girls, 117 squares; Asylum for Relief of Orphan Boys, 110 squares; Asylum for the Relief of Orphan Girls, 135 squares—total 472 squares.....	160,000

PROPERTY IN THE THIRD DISTRICT OF NEW ORLEANS.

Polar Star Lodge, Masonic, Rampart street, 160 by 180 feet.....	6,000
Lafayette Institute, Catholic, Dauphine, near Union street, 106 by 128 feet.....	3,000
First Presbyterian Church, Royal, near Frenchman street, 118 by 128 feet, large brick, capacity 800.....	40,000
Seamen's Chapel, Esplanade, near Levee street, 60 by 127 feet, old, capacity 500.....	6,000
St. Rosa de Lima, Catholic, Bayou Road, near Broad street, 100 by 160 feet, frame, capacity 500.....	7,000
St. Peter's Church, Catholic, Marigny, near Royal street, 64 by 150 feet, used as a school, frame, capacity 700.....	10,000
St. Peter's Church, new, Catholic, Craps, near Mandeville street, 120 by 150 feet, large brick, capacity 900.....	80,000

German Church, Methodist, Burgundy, near Music street, 64 by 125 feet, large frame, capacity 500.....	6,000
Franklin Temperance Hall, corner of Rampart and Spain streets, 64 by 100 feet, large three-story brick, used as a school....	10,000
Trustees of Baptist Church, corner of Spain and Rampart streets, 61 by 100 feet, frame, capacity 500.....	10,000
Annunciation Church, Catholic, corner of Marais and Marigny sts., 130 by 145 feet, large brick, capacity 100.....	40,000
Moreau Church, Methodist, corner of Moreau and Lafayette sts., 58 by 100 feet, large brick, capacity 700.....	20,000
German Congregation, Methodist, corner of Port and Burgundy streets, 58 by 100 feet, large frame, capacity 600....	10,000
Trinity Church, Catholic, on St. Ferdinand, near Royal street, 65 by 120 feet, large brick, capacity 1,000.....	50,000
St. Vincent de Paul, Catholic, on Greatmen, near Clouet street, 70 by 191 feet, frame, school.....	6,000
German Church, Methodist, corner of Piety and Greatmen sts., 32 by 120 feet, frame, capacity 600....	10,000
Touro Alms House, on Levee, between Piety and Desiré streets, whole square, 319 by 539 feet, large iron building.....	150,000
Society St. Croix. Catholic, Elmri, Levee and Congress streets, whole square, 215 by 215 feet.....	10,000
Male Orphan Asylum, Catholic, Chartres, France, Royal and Margaret streets, 244 by 300 feet.....	5,000
Convent of the Ursulines, Catholic, fronts on Levee 4 arpents, and has a depth of 80 arpents, in all 320 arpents, with extensive buildings and other valuable improvements.....	125,000
Louisiana Congregation of the Holy Cross, Catholic, fronts on Levee 2 arpents, and has a depth of 80 arpents, or 160 arpents, with improvements.....	25,000
Bishop Blanc's Church, Catholic, on Hancock, between Moreau and Casacalvo streets, 312 by 117 feet.....	10,000
Widow and Orphans' Home, colored, corner of Johnson and La Harpe streets, 64 by 160 feet, one and two-story, frame over all, old.....	4,000
Johnson and LaHarpe, 297 by 128 feet, one and two-story, frame over all.....	6,000
Society des Dames de la Providence, Catholic, corner LaHarpe and Galvez, 280 by 128, one-story, frame over all.....	3,000
Mechanics' Institute Fair Grounds, in the Third District, formerly the race track.....	60,000

APPENDIX.

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CEMETERIES.

St. Vincent de Paul, Catholic, three squares, 526, 527, 603, viz: Pieté, Urquhart, St. John Baptist and Louisa, two squares, 682 by 236; Desiré, Urquhart, Pieté and Girod, one square, 341 by 310 feet.....	2,000
New St. Louis Cemetery, Catholic, on Esplanade street, 566 feet, and containing 62 acres.....	50,000

PROPERTY IN THE FOURTH DISTRICT ON WHICH TAXES ARE NOT PAID.

Presbyterian Church, burnt, on St. Thomas, near Adele, 80 by 160 feet.....	2,000
Poydras Asylum, Protestant, St. Thomas, Rousseau, Josephine and Jackson, old frame, 256 by 320 feet.....	20,000
St. Thomas, Chippewa, Jackson and Josephine, vacant, 320 by 320 feet.....	20,000
Hebrew Widows' Home, Jackson and Chippewa, 120 by 187 feet, three-story brick, plastered.....	50,000
Hebrew Synagogue, on St. Mary and St. Thomas streets, 53 by 121 feet, frame, capacity 400.....	8,000
Hebrew Congregation, Jackson, near Chippewa, 64 by 128 feet, old frame, used as a school.....	2,500
German Church, Sixth, near Chippewa, 64 by 129, large frame, capacity 500.....	8,000
German Church, Sixth, near Chippewa, 67 by 127 feet, frame, capacity 500.....	7,000
German Church, First, near Chippewa, 60 by 120 feet, frame, capacity 600.....	10,000
German Church, Catholic, Josephine, near Constance, 128 by 100, large brick.....	90,000
St. Joseph's Asylum, Catholic, Laurel and Josephine, 180 by 129, large three-story brick school.....	25,000
Redemptionists' Catholic, Constance and Josephine, St. Andrew, near Laurel, vacant, 60 by 209.....	2,000
Sisters of Notre Dame, Catholic, Josephine and Constance, 150 by 130 feet, frame.....	8,000
Keener Chapel, Methodist, Laurel and Toledano, 34 by 161 feet, frame, capacity 500.....	6,000
Redemptionists' Church, Catholic, Jackson, near Constance, 64 by 120 feet, large brick, capacity 800.....	20,000
On Constance, 33 by 120 feet.....	1,000
Orphans' Home, Protestant, owns all the square but two lots, large three-story brick.....	50,000
German Evangelical Church, Magazine and Sixth, vacant, 127 by 145 feet.....	4,000

First Baptist Church, Magazine and Second, 96 by 127 feet, and on Second, school house, 32 by 127 feet.....	4,500
Jefferson Hall Association, Odd Fellows, Magazine and Phillip, 65 by 128, two-story brick.....	8,000
St. Elizabeth's Asylum, Catholic, Magazine and Josephine, 303 by 128 feet, large brick.....	100,000
Society of St. Vincent de Paul, Catholic, Josephine, near Constance, 50 by 128 feet, frame, small.....	2,500
New Orleans Society of Redemptionists, Catholic, St. Andrew, near Constance 155 by 150 feet, large brick school.....	65,000
New Orleans Society of Redemptionists, Catholic, Constance, near Josephine, 108 by 158 feet, and 33 by 64, large brick church, capacity 1500.....	90,000
Steele Chapel, Methodist, Felicity and Chestnut, 81 by 130 feet, large brick, capacity 800.....	30,000
Trinity Church, Episcopal, Jackson and Coliseum, 142 by 120, and on Coliseum 80 by 114, large brick, capacity 1200....	80,000
St. Ann's Asylum, Protestant, St. Mary and Prytania, 192 by 112, Felicity and Prytania, 112 by 112, large three-story brick, "Widows' Home".....	65,000
Presbyterian Church, Prytania and Josephine, 93 by 107.....	50,000
Calvary Church, Episcopal, Sixth and Prytania, 33 by 100; Courcy and Prytania, 101 by 100, large frame, capacity 700.....	10,000
Winan's Chapel, colored Methodist, First and Dryades, 60 by 123, frame, capacity 500.....	6,000
New Orleans and Carrollton Railroad Company own one-half of 29 squares in rear of Willow, and extending to Broad street, bounded one side by Phillip and on the other by St. Andrew street.....	10,000
Commercial Water Works Company, Tchoupitoulas and Richard streets, 195 by 383, large brick building, engine, &c.....	75,000
St. Thomas, Religious, Richard and Market, reservoir 320 by 320.....	100,000

CEMETERIES.

Hebrew-- White, Franklin, Jackson and Phillip, entire square, 405 by 274.....	15,000
St. Joseph's Asylum, Washington, Sixth, St. David and Liberty, entire square, 405 by 274.....	15,000

APPENDIX.

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TOTAL RECAPITULATION OF ALL THE UNTAXED PROPERTY OF NEW ORLEANS.

Churches.....	\$ 2,271,000
Incorporated Companies.....	32,226,766
Asylums.....	1,130,500
Societies.....	1,081,000
United States.....	4,250,000
State of Louisiana.....	150,000
City of New Orleans.....	8,630,850
Cemeteries.....	361,000
Bishop Odin, vacant.....	10,000
Sundry small properties.....	409,500
Commissioners 1st Draining Section.....	160,000
	<hr/>
	\$50,680,616

In connection with the subject of increasing the Revenue of the State, I am induced to suggest some ideas of a comprehensive general character, having an obvious bearing on the general prosperity and future resources of the State.

Louisiana comprises an immense area of the richest alluvial soil the sun ever shone upon—capable of producing in boundless profusion the great staples, cotton, sugar, rice, indigo, tobacco, &c., and at the same time capable of supplying food enough to sustain a population of many millions.

But we are lacking in the first great element of public wealth, population, to develop the latent riches now hidden in our prolific soil.

Centuries of cultivation cannot exhaust the productive powers of the rich alluvial soil of the delta of the Mississippi.

Let it be remembered that only a small fraction of about two million acres (less than a twelfth part) of our arable land has ever been cultivated, and that, too, only by the rude and unskillful process known to the barbarian system of enforced, unintelligent slave labor.

Even with that limited and imperfect cultivation, the agricultural products of the State had, in the year 1860, reached the following amounts :

Cotton.....	659,100 bales.
Sugar.....	203,246 hogheads.
Molasses.....	347,276 barrels.
Corn.....	14,256,973 bushels.
Rice.....	20,856 barrels.

From these data compute the vast amount of these rich semi-tropical products, which could be annually produced by the more skillful cultivation of even one-half our area of arable lands.

With an abundant supply of labor, Louisiana could, in a short time, produce larger crops of cotton, sugar, rice and corn than have ever yet been produced in the Southern States.

It is capable of easy demonstration that the skillful cultivation of even

five millions of acres in cane and cotton, by the hand of free intelligent labor would yield an annual contribution of more than \$300,000,000 worth to the wealth of the State,

In this inexhaustible fertility of our alluvial soil and genial climate, we have elements of wealth more abundant and certain than all the mines of Mexico and California.

Give us an abundant supply of skillful, free, agricultural labor, in any degree proportioned to our immense area of fertile land which now wastes its productive powers in wild and useless luxuriance of tropical vegetation, and in twenty-five years this will become the richest State in the valley of the Mississippi, and New Orleans the mart of a commerce amounting yearly to a thousand millions of dollars.

Our true policy would seem to be, to encourage the distribution of our unoccupied lands into the hands of a multitude of small planters and farmers, rather than to create a comparatively small number of great estates.

Cannot something be done by the Legislature—some plan devised, that will tend to attract to our soil a large population of skillful and industrious cultivators? For the purpose indicated, I respectfully recommend to the Legislature to establish a board or commission to be called the

"BUREAU OF EMIGRATION,"

to consist of one or more commissioners, with power to employ such agents as may be necessary to the design, the duties of which shall be to assist and encourage the immigration to this State of skillful and industrious agricultural laborers, farmers and mechanics from European countries, from the Northern States and from Canada.

As means to this end, it should be the duty of this Board, or Bureau, to acquire accurate information of the location, character and condition of all the unoccupied lands within the State; the means of access to, and of draining and improving the same; prepare and publish maps and descriptions of the same, with full details of information as to climate, soil, production, cost and methods of clearing, draining and preparing for cultivation; markets, means of transportation, &c. This Bureau should have an agency in New York, to furnish emigrants with all necessary information and pecuniary assistance, when needed; and perhaps also, one or more agents in Europe.

By such like means, it seems reasonable to expect a respectable share of the large foreign immigration now arriving in New York might be diverted to this State, as well as thousands of discharged soldiers, and small Northern farmers, who at the close of the war, may be disposed to seek homes in the sunny South.

Several of the States of the Northwest have, within a few years past, established bureaus of emigration, with satisfactory results; and it seems to me that some well considered and carefully organized plan should be adopted

to bring large accessions of cultivators to our fertile, unoccupied lands, for in no other way can the material prosperity of the State be more surely and rapidly developed.

The distribution of the lands owned by the State and General Government into a great number of free homesteads, to be owned by the peaceful and honest cultivators of the soil, which shall be exempt from sale on execution for debt, and inalienable without the consent of the wife of the owner, is a measure which I deem worthy of the consideration of the General Assembly.

Louisiana is eminently an agricultural State, and to foster and promote the agricultural interests of our people, is the object which seems to demand the careful attention of the Legislature.

I deem it within the scope of my official duty, as a means of developing the resources and increasing the revenues of the State, to invite the attention of the General Assembly to the consideration of some more extensive and comprehensive works of internal improvement than have ever yet been attempted in this State. We have arrived at a new and most important epoch in the history of Louisiana.

The incubus of slavery having now been thrown off, a new social and free labor system is to take the place of the old, non-progressive, barbarizing institutions of the past. A magnificent and glorious career of prosperity awaits us if our people, and especially our legislators, can fully understand our position and resources, and initiate those great measures which the interest of the State demands.

By an intelligent and wise development of our unrivalled agricultural resources, and with our natural advantages for an extensive commerce, we can make Louisiana in a few years, the home of millions of free and happy people; a community as busy, as prosperous, as free, as enlightened, as powerful, as any State in the whole Union can boast.

The topography of our State is peculiar. We have innumerable lakes, rivers, bayous, and natural channels of water communication, most of which, owing to obstructions by rafts and sand bars, are not in a navigable condition.

These streams constitute the natural drainage of the country. Our richest lands lie mostly upon and in close proximity to these water courses.

The removal of obstructions which hinder the navigation of these channels, accomplishes a two-fold purpose—that of reclaiming the most valuable lowlands, and providing at the same time means of cheap water communication and transportation to and from the markets, farms and plantations.

Bulky agricultural products require cheap transportation by water, and in our latitude, where frost never interferes to disturb navigation, canals and natural water channels are much preferable means of transportation than railroads. The railroad never can compete in cheapness with water trans-

portation of agricultural staples. I am of the opinion that a thorough and complete system of internal improvement by means of opening these natural channels of transportation, leveeing, draining and reclaiming the low-lands of the State, ought as soon as possible to be organized.

Suppose that a debt of twenty millions should be created within the next five years for works of improvement of the character above suggested, and to assist and encourage immigration and settlement of tens of thousands of farmers and laborers upon our unoccupied soil.

Our State debt, fortunately, is as yet comparatively small in proportion to the real wealth and prospective resources of the State.

At the close of this rebellion, now in its dying struggle, capital seeking investment, will be superabundant. If, by the judicious expenditure of twenty millions, within the next ten years, we can add one hundred thousand cultivators of the soil to our population, and bring into cultivation even three millions acres more of our rich low lands, we shall thereby have added one hundred millions to the actual wealth of the State.

The present generation will not have to pay the debt so created, and posterity can well afford to pay a debt created for its benefit, when the results seem so certain and beneficent.

Would New York ever have been able to boast the proud title of the "Empire State" but for the sagacity of her leading Statesmen, in contracting what then seemed an immense public debt to construct her Erie canal, costing, for original construction and subsequent enlargement, some sixty millions dollars?

In a national point of view, it was one of the most profitable debts ever contracted. It is safe to say it has added \$1,000,000,000 to the wealth of that State, rearing almost a continuous line of cities and villages along its course, where stood at the period of constructing that canal, the primeval forest.

**STATEMENT SHOWING THE CONDITION OF THE SEMINARY FUND,
AS STATED IN THE LAST "ANNUAL REPORT," PUBLISHED IN JANUARY, 1862.**

136 Bonds of \$1,000 each, issued by the State of Louisiana in favor of said fund, in accordance with act No. 182, of 1857, payable forty years from 1st of July, 1857, bearing six per cent. interest per annum, issued in payment of the amount due by the General Funds of the Treasury to the said Seminary Fund.....		\$136,000
1 Bond of \$1,000, issued by the State to the Vicksburg, Shreveport and Texas Railroad Company, dated 1st July, 1857, payable forty years after date, bearing six per cent. interest per annum, purchased on the 3d August, 1857, at a cost of \$885....		\$1,000
1 Bond of \$1,000 of the Consolidated Debt of the City of New Orleans, dated 1st July, 1852, payable forty years from that date, bearing six per cent. interest per annum, purchased on the 24th September, 1860, at a cost of \$899 98.....		1,000
138 Bonds, amounting to.....		\$138,000

DETAILED STATEMENT OF THE BONDS HELD BY AND BELONGING TO THE FREE SCHOOL FUND,
AS STATED IN THE LAST "ANNUAL REPORT" PUBLISHED IN JANUARY, 1862.

APPENDIX.

Date of Purchase.	Date of Bonds.	No. and Amount of Bonds.	By Whom Issued.	To Whom Issued.	Value of Bonds.	Cost of Bonds.	When Due.
1854, May 9	1854, May 1	202 bonds, \$1,000 ea.	State of Louisiana.	N. O., Jackson and G. N. R. Co.	\$ 202,000	\$ 186,688 25	1864, May 1
1854, June 28	1854, May 1	1 .. ..	.. ..	.. ..	1,000	890 00	.. ..
1854,	1854, Nov.	1 .. ..	.. ..	.. ..	1,000	6,890 00	Nov.
1854,	1854, Nov.	2 .. ..	.. ..	.. ..	2,000	1,780 00	.. ..
1854, May 19	1854, March 5	5 .. ..	.. ..	.. ..	5,000	4,362 50	1854, March 5
1854,	1854, Aug.	5 .. ..	.. ..	.. ..	5,000	4,367 50	1854, Aug.
1854, June 28	1854, Aug.	222 bonds, \$1,000 ea.	State of Louisiana.	N. O., Jackson and G. N. R. Co.	222,000	.. ..	.. ..
1854,	1854, Aug.	1 .. ..	.. ..	.. ..	1,000	6,890 00	1854, Aug.
1854,	1854, Aug.	4 .. ..	.. ..	.. ..	4,000	3,520 00	1854, Aug.
1854, May 19	1854, May 1	2 .. ..	.. ..	.. ..	2,000	1,865 00	1854, May 1
1854,	1854, June	4 .. ..	.. ..	.. ..	4,000	3,526 67	1854, June
1854, June 28	1854, July 18	17 bonds, \$1,000 ea.	State of Louisiana.	N. O., Opelousas and G. W. R. Co.	17,000	.. ..	1854, July 18
1854, May 19	1854,	1 bond, \$500 each.	.. ..	.. ..	500	480 00	1854,
1854,	1854,	32 .. ..	.. ..	.. ..	16,000	16,040 00	.. ..
1854,	1854,	2 .. ..	.. ..	.. ..	1,000	980 00	.. ..
1854, June 28	1854, March 11	35 bonds, \$500 ea.	State of Louisiana.	For Relief of State Treas., act 277 of 1853.	17,500	.. ..	1854, March 11
1854,	1854, Dec.	2 bonds, \$1,000 ea.	.. ..	.. ..	2,000	1,860 00	1854, Dec.
1854,	1854, Dec.	4 .. ..	.. ..	.. ..	4,000	3,520 00	1854, Dec.
1854, May 19	1857, April 1	6 bonds, \$1,000 ea.	State of Louisiana.	Mexican Gulf Railroad Company.	6,000	4,837 50	1857, April 1
1854, June 28	1854, May 1	5 bonds, \$1,000 ea.	State of Louisiana.	N. O. and Nashville Railroad Co.	5,000	1,976 00	1854, May 1
1857, Aug. 8	1854, April 7	2 bonds, \$1,000 ea.	State of Louisiana.	Vicksburg, Shreveport & Texas R. Co.	2,000	.. ..	1854, April 7
1857,	1854,	5 bonds, \$1,000 ea.	.. ..	.. ..	5,000	.. ..	1854,
1857,	1854,	9 .. ..	.. ..	.. ..	9,000	.. ..	1854,
1857,	1854,	7 .. ..	.. ..	.. ..	7,000	.. ..	1854,
1857,	1857, May 15	1 .. ..	.. ..	.. ..	1,000	.. ..	1857, May 15
1857,	1857, May 15	22 bonds, \$1,000 ea.	State of Louisiana.	Baton Rouge, Grosse Tete & Op. R. Co.	22,000	20,680 00	1857, May 15

DETAILED STATEMENT OF BONDS—CONTINUED.

Date of Purchase.	Date of Bonds	No. and Amount of Bonds.	By Whom Issued.	To Whom Issued.	Value of Bonds.	Cost of Bonds.	When Due.
1887, Aug. 3	1887, May 15	1 bonds, \$1,000 ea.	State of Louisiana.	Baton Rouge, Grosse Tete & Op. R. R. Co.	\$ 7,000	\$ 6,247 58	1897, May 15
1887, Aug. 9	1887, July 1	9 bonds, \$1,000 ea.	State of Louisiana.	Vicksburg, Shreveport & Texas R. R. Co.	9,000	7,955 00	1897, July 1
1887, Dec. 3	1887, March 20	20 bonds, \$1,000 ea.	State of Louisiana.	Vicksburg, Shreveport & Texas R. R. Co.	20,000	16,608 33	1897, March
1884, May 19	1882, July 1	15 bonds, \$1,000 ea.	.....	.....	15,000	14,089 50	1892, July 1
1886, May 5	1886, May 1	20 ..	.....	.....	20,000	18,400 00	1886, May 1
1887, Dec. 3	1884, May 1	35 bonds, \$1,000 ea.	City of N. Orleans.	Consolidated City of New Orleans.	35,000	.....	.....
1889, Oct. 24	1885, May 1	8 bonds, \$1,000 ea.	.....	.....	8,000	5,880 00	1874, May 1
1889, Oct. 24	1885, Jan. 1	34 ..	.....	.....	34,000	30,226 00	1874, Jan. 1
1889, Oct. 24	1885, May 1	39 ..	.....	.....	39,000	34,573 58	.....
1889, Oct. 24	1885, April 1	81 bonds, \$1,000 ea.	City of N. Orleans.	N. O., Jackson and G. N. R. R. Co.	81,000	.....	.....
1889, Oct. 24	1885, April 1	10 bonds, \$1,000 ea.	.....	.....	10,000	8,740 00	1874, April 1
1889, Oct. 24	1884, May 1	2 ..	.....	.....	2,000	1,732 67	1874, May 1
1889, Oct. 24	1884, Jan. 1	1 ..	.....	.....	1,000	886 58	1874, Jan. 1
1889, Oct. 24	1884, May 1	2 ..	.....	.....	2,000	1,732 67	1874, May 1
1889, Sept. 24	1882, July 1	38 bonds, \$1,000 ea.	City of N. Orleans.	N. O., Opelousas and G. W. R. R. Co.	38,000	.....	.....
1889, Sept. 24	1882, July 1	181 bonds, \$1,000 ea.	City of N. Orleans.	Consolidated Debt of City of New Orleans	181,000	.....	1892, July 1
1889, Sept. 24	1887, Jan. 1	1 bond of \$1,000.	City of N. Orleans.	Consolidated Debt of City of New Orleans	1,000	161,764 31	1897, Jan. 1
1889, Sept. 24	1889, Jan. 1	1 bond of \$1,000.	City of N. Orleans.	Consolidated Debt of City of New Orleans	1,000	.....	1899, Jan. 1

Total Bonds purchased at different times, 682, representing an amount of \$664,500, at a cost of \$ 601,867 51

In addition to the above, this fund is in possession of 529 State Bonds for \$1,000 each, issued on the 1st day of July, 1857, in payment of the amount due by General Fund to said Fund, in accordance with act No. 182 of 1857. These Bonds are payable forty years after date, and bear six per cent interest per annum, which interest, as it accrues, is placed to the credit of the Free School Accumulating Fund.

Total number of Bonds, including all, 1,211, representing an amount of \$1,193,500 00

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STATEMENT OF BONDS FOR THE REDEMPTION OF STATE DEBT FUND—Continued.

Date of Purchase.	Date of Bonds	No. and Amount of Bonds.	By Whom Issued.	To Whom Issued.	Value of Bonds.	Cost of Bonds.	When Due.
1884, May 6	1884, Nov. 1	3 bonds, \$1,000 ea.	.....	.....	\$ 3,000	\$ 2,900 00	1894, Nov. 1
.. June 12	1885, May 1	3 .. ..	.....	.....	3,000	2,900 00	1895, May 1
.. .. 19	.. ..	3 .. ..	.....	.....	3,000	2,904 00	.. ..
1884, May 6	1884, March 11	3 bonds, \$1,000 ea.	State of Louisiana.	Vicksburg, Shreveport & Texas R. R. Co.	3,000		1893, March 11
.. .. 13	1889, Dec. 15	5 .. ..	.....	.....	5,000		1899, Dec. 15
1884, May 6	1884, April 7	7 bonds, \$1,000 ea.	Ditto.	Marlexan Gulf Railroad Company.	7,000	6,898 00	
1887, Aug. 3	1887, July 1	1 bond of \$1,000.	Ditto.	Baton Rouge, Grosses Tete & Op. R. R. Co.	1,000	980 00	1894, April 7
1887, Dec. 3	1884, May 1	10 bonds, \$1,000 ea.	Ditto.	Vicksburg, Shreveport & Texas R. R. Co.	10,000	9,800 00	1897, July 1
1888, Dec. 29	1885, April 1	6 bonds, \$1,000 ea.	City of N. Orleans.	N. O., Jackson and G. N. R. R. Co.	6,000	4,410 00	1894, May 1
1884, Dec. 20	1884, May 1	7 bonds, \$1,000 ea.	Ditto.	N. O., Opelousas and G. W. R. R. Co.	7,000	5,600 00	1895, April 1
1884, Dec. 20	1884, May 1	1 bond of \$1,000.	Ditto.	Ditto.	1,000	705 66	1894, May 1

Total of Bonds 279, purchased at different times, representing an amount of \$231,000, at a cost of \$219,739 70.

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LIST OF AUCTIONEERS.

Issued under the Authority of Act No. 104, approved 12th March, 1865.

PARISH OF ORLEANS.

W. H. Bunnell,
J. P. Boisseau,
J. B. Crozat,
Octave Dejan,
Stephen Davis,
G. H. Eland,
Anthony Fernandez,
S. Guinault,
R. Guitterez,
J. Holz,
G. A. Hall,
E. M. Jacobs,
G. Leaumont,

R. T. Montgomery,
G. W. McCerren,
Julian Neville,
G. P. Phinney,
R. Scott,
P. J. Spear,
Bernard Turpin,
F. F. Trinchard,
Geo. E. Tyler,
William P. Vincent,
D. E. Morphy,
H. M. Van Solingen,
S. S. Zelnicker.

PARISH OF JEFFERSON.

C. W. Brand,

Stephen Kerner.

FREE BANKS OF NEW ORLEANS.

On assuming the duties of the Auditor's office, I found no bonds or other evidence of security, deposited by the banks of this State, in compliance with law, as security for the redemption of their circulating notes. I accordingly addressed a letter to each, asking for information upon the subject.

To present as fully as possible to the Legislature, the present state of these banks, I append a copy of that letter and of the several replies received. (See Appendix A.)

Also, by permission of Major Gen. Banks, the report of the commission appointed by him to examine into the condition of all banks and chartered institutions in the State, which report will be found of interest and deserving the careful consideration of your honorable body. (See Appendix B.)

I also append a copy of the report submitted by me to the Constitutional Convention, in May last, in compliance with a resolution from that body, requesting such report. (See Appendix C.)

On the 9th of June last, I received a letter from his Honor, the Mayor of New Orleans, referred to me by his Excellency, Governor Hahn, presenting a claim from the city against the State for \$489,949 43.

I deem the subject of sufficient importance to insert the letter, and also my reply to the same.

APPENDIX.

STATE OF LOUISIANA,
 Mayorality of New Orleans, City Hall, 9th day of June, 1864. }

Governor—I would respectfully call your attention to the enclosed account, which is made upon the basis of the census of the State Assessors, and is presumed to be correct.

We claim this bill in accordance with Revised Statutes, page 190, sections 3 and 6.

If you have any offsets to this claim, will you please hand in your statement with the amount you consider due from the State to the city.

I am, Governor,

Your obedient servant,

(Signed,) STEPHEN HOTT,
 Capt. U. S. A., Acting Mayor.

To His Excellency, HON. MICHAEL HAHN, Governor of Louisiana:

[COPY.]

STATE OF LOUISIANA,

To City of New Orleans.

For \$5 each on 40,050 children as per census of 1861, collectable in 1862.....	\$200,250
For \$5 each on 40,050 children, as per census of 1861, collectable in 1863.....	200,250
For \$5 each on 37,604 children, as per census of 1863, collectable in 1864.....	188,320
	<hr/>
	\$588,820 00
Cr. by cash at different times.....	98,870 57
	<hr/>
	\$489,949 43

NEW ORLEANS, June 8, 1864.

AUDITOR'S OFFICE, STATE OF LOUISIANA. }
 New Orleans, June 21, 1864. }

His Honor, STEPHEN HOTT, Mayor of New Orleans.

Sir: Yours of the 9th instant, to his Excellency Gov. Hahn, including also a claim of the City against the State for \$489,949 43, is received, it having been referred to me by the Governor.

In answer, permit me to say you will notice that section 3d, page 190 R. S., which you refer to in your letter, says that the State Superintendent is to apportion the school funds "which may be paid into the State Treasury," without reference to how much it amounts to per child.

These apportionments are to be made quarterly, and of the amount only in the Treasury at the time. They are also to be made in such proportion to each parish, as the number of educable children in the parish bears to the whole number of educable children in the State.

By reference to section 6th, *ibid*, you will see that the total "sum paid

during the year *shall not exceed* four dollars for each child." This amount was afterwards changed to six dollars, and in 1861 to five dollars.

This law has never been understood to mean that the State actually owes to each parish each year, five dollars for each educable child in the parish ; but its *pro rata* of whatever amount is paid into the State Treasury to the credit of the School Fund, provided that amount shall not exceed five dollars for each child, and if so, the excess to be held for the appropriations of the next year.

Thus the amount of indebtedness of the State to the city, on account of Public Schools, depends entirely upon the amount of school money collected from tax rolls or otherwise.

Collections are still being made upon the rolls of 1861 and 1862, as well as on those of 1863, which will be properly apportioned, but owing to the interruption in the collection of taxes for the past two years, the whole amount of school money of those years cannot be apportioned or paid till the whole State is brought within the Union lines, and the taxes for those years collected. The number of children is much greater in proportion to the amount of taxable property in the city than in the country parishes, causing a considerable part of the school money collected from the country parishes to go to the support of the schools of the city.*

You will therefore see, that while the revenue supplying the Treasury is so small, owing to its being derived from so small a part of the State, the amounts to the city must be correspondingly small, but will increase as the Union lines are extended and the parish governments established.

After the taxes of any one year have been collected throughout the State, and the school moneys received therefrom apportioned and paid, the indebtedness of the State to the parishes is cancelled, whether the amount reaches or falls short of five dollars for each child.

As the State Superintendent is the officer whose duty it is to apportion the school money, he can inform you at any time the amount of money in the State Treasury belonging to the city.

Regarding the demands you refer to that the State may have against the city, there are none at present to my knowledge.

I remain,

With much respect

Yours truly,

A. P. DOSTIE, Auditor.

PARISH RETURNS.

The returns from the several parishes of the respective amounts of the different descriptions of taxable property, also the amounts of the several

*The relative proportion will probably be much changed hereafter, as the proportion of slave property was much greater in the country than in the city.

taxes and quantity of cultivated and uncultivated land, usually forms an important part of the Auditor's report; but of the returns this year, very little can be said. The present unsettled state of affairs will not yet admit of the election of parish officers in many of the parishes within the Federal lines, but the principal offices, such as Sheriff, Police Jurors, Assessors, Coroner, Justice of the Peace, etc., have been filled by Executive appointment. These officers are organizing their parish governments as fast as time and the present condition of the country will admit. Sufficient time has not yet elapsed for the Assessors to complete their rolls, so that the usual returns cannot be made in this report.

The above mentioned officers have been appointed in the following Parishes :

Ascension,	Jefferson,	St. Charles,
Assumption,	Lafourche,	St. Mary,
Avoyelles,	Madison,	St. Martin,
Carroll,	Orleans,	St. James,
Concordia,	Plaquemine,	Terrebonne,
East Baton Rouge,	St. Bernard,	Tensas.
Iberville,	St. John Baptist,	

The following named Parishes being outside the Federal lines, no appointments have been made :

Blenville,	Jackson,	St. Landry,
Bossier,	Lafayette,	St. Tammany,
Caddo,	Livingston,	St. Helena,
Calcasieu,	Morehouse,	Union,
Caldwell,	Natchitoches,	Vermillion,
Catahoula,	Ouachita,	Washington,
Claiborne,	Point Coupée,	West Feliciana,
DeSoto,	Rapides,	West Baton Rouge,
East Feliciana,	Sabine,	Winn.
Franklin,		

Respectfully submitted,

A. P. Destrin, Auditor.

APPENDIX A.

AUDITOR'S OFFICE, STATE OF LA.,
New Orleans, April 14, 1864.

SIR—On examining the books and papers relating to this department, I am unable to find any evidence that your bank has complied with the requirements of the law in relation to filing in this office a certified copy of your "articles of association," nor do I find any bonds or other securities on deposit in this office, as security to the State for your circulating notes.

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Will you be pleased to inform me whether or not your bank has complied with the requirements of the statute in these particulars, and also what is the present amount of your circulating notes outstanding.

Respectfully yours,

A. P. DOSTIE, Auditor.

BANK OF NEW ORLEANS, }
New Orleans, April 15, 1864. }

SIR—I am in receipt of your communication of 13th instant, addressed to the president of this bank, in answer to which I beg leave to state that this bank has complied with all the requirements of the law mentioned in your letter, by furnishing the State with a copy of its act of association and bonds to secure its circulation, which documents are held by Mr. Peralta, the ex-auditor for the State of Louisiana.

Our circulation amounts to-day to \$982,290, of which \$235,137 50 only belong to the notes of this bank, issued according to law, and guaranteed by city and State bonds in the hands of Mr. Peralta, to the amount of \$540,000, while the remaining balance of \$747,152 50 belongs to the issue forced from this institution by Gen. Butler.

I send you a printed copy of the act of association under which this bank has been in operation.

Respectfully yours,

A. DENHIRON, Cashier.

A. P. DOSTIE, Esq., Auditor State La.

SOUTHERN BANK, }
New Orleans, April 15, 1864. }

Hon. A. P. DOSTIE, Auditor—

SIR—This institution has complied with the requirements of the law, by depositing a duly certified copy of its charter, and of the amendment thereto, and consolidated bonds of the City of New Orleans to secure its circulation. A certified copy of the receipt for the original charter as well as of its amendment are enclosed.

I also enclose four original receipts for 702 consolidated bonds of the City of New Orleans deposited to secure the circulation, which, as vouchers of the Bank, you will be kind enough to return.

The circulation of this Bank has been reduced to \$15,375, and the bonds have been returned from time to time, except thirty-two (32) bonds of one thousand dollars each, which the Bank has endeavored to withdraw, but unsuccessfully, owing to the rebellion—the former Auditor leaving and taking them away.

I also beg leave to say that the notes of this institution are redeemed in specie when presented.

I have the honor to be, &c.,

(Signed,)

A. B. MILTENBERGER, President.

BANK OF AMERICA,
New Orleans, April 16, 1864. }

A. P. DOSTIE, Auditor of Public Accounts, New Orleans—

SIR—In answer to your communication of the 14th instant, I beg leave to enclose a copy of our Articles of Association, also statement of our circulation, and of the Bonds, with their numbers, in the hands of the Auditor since 1857.

I am, sir, respectfully yours,

(Signed,)

A. FORTIER, Cashier.

CIRCULATION BANK OF AMERICA.....\$59,500

BONDS IN THE HANDS OF AUDITOR SINCE 1857.

24 State Bonds, Nos.	592	593	594	595	596	597	598	599	600
.....	601	602	603	604	605	606	607	608	609
.....	610	611	612	613	614	615			
144 City Bonds, Nos.	1102	752	412	413	414	415	416	417	728
168 Bonds, Nos.	729	730	731	732	733	734	735	736	737
.....	738	739	740	741	742	408	409	410	411
.....	659	660	661	662	663	664	889	890	891
.....	941	942	943	254	490	501	636	637	638
.....	639	701	702	703	704	705	706	707	708
.....	709	710	961	962	963	964	965	966	967
.....	968	883	753	711	771	772	773	774	775
.....	776	777	778	779	780	1006	1007	1008	1009
.....	1322	1323	1324	1325	1326	1327	1228	1336	1337
.....	1338	1339	1340	1398	1399	1400	1401	1402	1403
.....	1404	1405	1406	1407	1408	1409	1410	1411	1412
.....	1413	1414	1415	1416	1417	1286	1287	1288	1289
.....	1290	1291	1292	1293	1294	1295	1296	1297	1298
.....	1299	1300	1301	1302	1303	1304	1305	1341	1276
.....	1277	1278	1280	1203	1281	1282	1283	1284	1285

MECHANICS' & TRADERS' BANK,
New Orleans, April 16, 1864. }

SIR—In reply to your communication of 14th instant, I beg leave to represent that the Mechanics' & Traders' Bank deposited with S. F. Marks, Auditor of the State of Louisiana, the following Bonds as security for its circulation:

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On the 21st Aug. 1864, 60 consolidated Bonds.
do. 18th Oct. 1864, 290 do do.
do. 31st Oct. 1864, 100 do do.
do. 28th May, 1865, 50 do do.
do. February, 1869, 11 Bonds of the City of New Orleans in favor of the Jackson and Great Northern Railroad, in all 511, say five hundred and eleven bonds of one thousand dollars each.

Our outstanding circulation this day is \$105,590, old issue, signed by the Auditor. \$403,180, new issue, under Gen. Butler's order, No. 30. Certified copy of our articles of association was regularly filed in the office of the Auditor, Mr. Louis Berdelon.

Very respectfully,
(Signed,)

G. CROZAT, Cashier.

CRESCENT CITY BANK,
New Orleans, April 16, 1864. }

A. P. DOSTIE, Esq., Auditor—

SIR—In reply to your communication of the 14th instant, I am directed by the liquidating commissioners to state, that this bank has complied with the requirements of the law, and that it has in its possession receipts of the then State Auditor for City Bonds to the amount of one hundred and seventy-six thousand dollars for the guarantee of its old issue, amounting to ninety-nine thousand five hundred and fifty dollars. It is here proper to say that by virtue of an order of Gen. Butler, then commanding this department, this Bank made an issue of notes to pay depositors, of which issue there is now outstanding sixty-one thousand seven hundred and thirty dollars, making the present total circulation one hundred and sixty-one thousand two hundred and eighty dollars.

Respectfully yours,
(Signed,) CHAS. FANNIE, Jr., Acting Cashier.

NEW ORLEANS, April 16, 1864.

A. P. DOSTIE, Esq., Auditor,

SIR—Your communication of the 14th instant, addressed to me, as representing the Merchants' Bank, is before me.

I don't consider myself clothed with any official authority to answer for that Bank.

It is true that in August, 1862, I was, in conjunction with Messrs. W. N. Mercer and J. D. Denegre, verbally, requested by the late Commanding General, B. F. Butler, to examine and report upon the affairs of said bank. We did so, in the month of November ensuing, and in the intervening period we, by special orders, and for special purposes, disposed of some few assets,

and took inventories and general statement of affairs. A few days after our report the General left the Department, without, to my knowledge, ever having officially clothed us with any authority in the premises for the future. We have, therefore, ever since considered ourselves "*Functis Officio*."

As copies of the papers above referred to are, however, in my possession I have no objection to furnishing you, in my individual capacity, the information I possess as to the particulars pointed out in your letter.

According to the books, the outstanding circulation of the 'Merchants' Bank is now as follows :

Old issue, say notes countersigned by the Auditor, amount to	\$244,500
From the records the above are secured by three hundred city six per cent. bonds, deposited with the Auditor.	
New issue, say notes dated from April to August, 1862.....	115,113
Together	\$359,613

The new issue does not appear to be specially secured.

I am, very respectfully, sir,

Your obedient servant,

(Signed,)

J. M. LAPETHE.

UNION BANK OF LOUISIANA, }
New Orleans, April 15, 1864. }

A. P. DOSTIE, Esq., Auditor, New Orleans.

SIR—Yours of yesterday's date is just handed me.

The Act of Incorporation of the Union Bank of Louisiana was passed on the 7th December, 1853, before Ad. Mazureau, then notary public in and for the parish and city of New Orleans, which act was recorded in the office of the Recorder of Mortgages, and a certified copy of the same was deposited in the office of the Auditor of Public Accounts, etc., and such other formalities as required by section 4 of the General Free Banking Law, approved April 30, 1853.

The Auditor of Public Accounts of the State of Louisiana has in his possession, on deposit, the following bonds, as security for circulation notes the bank may receive, countersigned and numbered by said auditor, viz :

500 Bonds consolidated, city of New Orleans, six per cent. on	
Jan. 23, 1854, Receipt for deposit of bonds.....	100
Feb. 7, " " " " "	100
Feb. 17, " " " " "	103
March 13, " " " " "	97
April 19, " " " " "	8
April 25, " " " " "	86
June 30, " " " " "	6

Of \$1,000 each..... Bonds 500

dated July 1st, 1854, payable in forty years, issued by act of Legislature, Feb. 23, 1852, with interest, coupons payable 1st Jan. and 1st of July, \$30 each.

500 Bonds, State of Louisiana, six per cent. on—

June 30, 1854, Receipt for deposit of bonds	100
July 12, " " " " "	100
Jan. 3, 1855, " " " " "	300

Of \$500 each.....Bonds 500

Dated July 18, 1853, payable in forty years, by act April 30, 1853, Nos. 801 to 900, 1101 to 1500, with interest, coupons payable 1st Jan. and 1st July, each year, of \$15 each.

The following is printed on the back of all the bonds deposited: "The within bond is hereby assigned to the Auditor of the State of Louisiana for account of the Union Bank of Louisiana, in conformity with an act to establish a general system of Free Banking in State of Louisiana, approved April 30, 1853."

The amount of notes in circulation, countersigned by Auditor, this date, is.....	\$209,365
Amount redeemed, and on hand cancelled, ready to be handed in when portion securities are returned to the bank.....	20,635

Total \$230,000

You will perceive that the amount of circulation notes out is now so reduced that the \$250,000 of Louisiana State bonds are ample security, besides there is now past due up to Jan. 1st, 1864, \$30,000 of interest coupons.

We are, therefore, entitled to receive from the Auditor of Public Accounts the five hundred thousand dollars of consolidated City of New Orleans bonds, with \$60,000 of interest coupons attached, past due up to January 1st, 1864.

Yours, respectfully,

(Signed,)

GEO. A. FREERET, Cashier.

APPENDIX B.

REPORTS

OF THE

MAJORITY AND MINORITY OF THE FINANCIAL COMMISSION OF NEW ORLEANS,

UNDER SPECIAL ORDERS No. 69,

ISSUED BY MAJOR GENERAL N. P. BANKS,

COMMANDING DEPARTMENT OF THE GULF,

Under Date of March 18, 1864.

MAJORITY REPORT.

TO MAJOR GEN. N. P. BANKS,

Commanding Department of the Gulf—

GENERAL:

The undersigned, appointed by you under Special Order No. 69, given on the 18th March, 1864, Commissioners, "*To examine and report upon the condition of all Banks, Insurance Offices, Gas and Railway Companies and other financial or business Corporations or other Companies in New Orleans,*" now beg leave to submit to you the following report of their operations and the result thereof:

The Commission was organized on the 28th of March, 1864, L. O. Wilson, Esq., Chairman; a Secretary and Treasurer were appointed; suitable rooms prepared; and the services of a competent and assiduous Accountant obtained, which have materially facilitated the Commission in its labors.

The Banks of the city were first examined, then the Insurance Companies, and finally the Gas and Railway Companies.

The first step taken was to demand statements from each of the following institutions, viz :

1. New Orleans Draining Company.
2. New Orleans Savings Institution.
3. New Orleans Water Works Company.
4. New Orleans Gas Light Company.
5. New Orleans City Railroad Company.
6. St. Charles Hotel Company.
7. Bank of New Orleans.
8. Bank of Louisiana.
9. Louisiana State Bank.
10. Bank of America.
11. Crescent City Bank.
12. Merchants' Bank.
13. Mechanics' and Traders' Bank.
14. Southern Bank.
15. New Orleans Canal and Banking Company.
16. Citizens' Bank of Louisiana.
17. Union Bank of Louisiana.
18. Consolidated Association of the Planters of Louisiana.
19. Branch of the Louisiana State Bank.
20. New Orleans and Texas Railroad Company.
21. Pontchartrain Railroad Company.
22. New Orleans and Carrollton Railroad Company.
23. Mexican Gulf Railroad Company.
24. New Orleans, Opelousas and Great Western Railroad Company.
25. New Orleans, Jackson and Great Northern Railroad Company.
26. Union Insurance Company of New Orleans.
27. Sun Mutual Insurance Company.
28. Star Mutual Insurance Company.
29. New Orleans Mutual Insurance Company.
30. Merchants' Mutual Insurance Company.
31. Louisiana State Insurance Company.
32. Louisiana Mutual Insurance Company.
33. Hope Insurance Company.
34. Home Mutual Insurance Company.
35. Crescent Mutual Insurance Company.
36. Citizens' Mutual Insurance Company.
37. First National Bank of New Orleans.

38. Levee Steam Cotton Press Company.

39. Carondelet Canal and Navigation Company.

All of these institutions have responded to the call except,

1. Mexican Gulf Railroad Company.

2. New Orleans and Texas Railroad Company.

3. New Orleans, Jackson and Great Northern Railroad.

The reason why no report could be obtained from the Mexican Gulf Railroad Company was, that the sole owner of the road was absent from the city, and his Agent unable to give the information desired. No one could be found in charge of the Jackson Railroad Company and the New Orleans and Texas Railroad Company, upon whom service could be made of our Circular, a printed copy of which was addressed to each of the institutions above named.

The various reports of the Banks have been made into the Tableaux, by which their nominal condition is exhibited on the 1st of January, 1861, 1862, 1863 and 1864, and on or about the 1st of April, 1864, when they were examined by the Commission. These Tableaux are hereto annexed and lettered A, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

These Tableaux show the *nominal* capital, liabilities and assets of each Bank.

To ascertain the *real* capital, the Commission have endeavored, as fully as within their power, to make a fair cash estimate of the assets of each Bank. The rebel bonds of the so-called Confederacy, those of the State of Louisiana whilst in anarchy and insurrection, as well as those of the various parishes of the State; treasury notes and all other evidences of debt incurred in carrying on the war against the Union, have been entirely disregarded, as they are considered by your Commission as having no pecuniary value. The bonds of the State of Louisiana and of the City of New Orleans, issued before the secession of the State, have been put down at their present market price; the real estate has been taken at the figures set upon it by the Banks themselves; the specie at current rates as well as the exchange; and the portfolios of each at a valuation of ten cents on the dollar for all protested, suspended and other bills and notes. The liabilities have been taken at the figures given by the Banks themselves. We have deducted the liabilities from the assets thus appraised, and in this way have ascertained approximately the actual cash capital of each Bank, and what we consider the actual value of each share at the present time. These operations are embraced in the Tableaux hereto annexed, lettered B, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

From which it appears that the value of each share of the stock of the

1. Bank of America is	\$ 93.12
2. New Orleans Canal and Banking Company	29.86
3. Southern Bank	82.59

4. Louisiana State Bank	No value
5. Union Bank of Louisiana.....	17.42
6. Mechanics' & Traders' Bank.....	33.15
7. Bank of New Orleans	7.12
8. Citizens' Bank of Louisiana.....	161.14
9. Bank of Louisiana	No value.
10. Consolidated Association of Planters.....	— —
11. Crescent City Bank.....	13.91
12. Merchants' Bank.....	No value.

The commercial paper held by the Banks is drawn or endorsed by comparatively a very few firms. We annex a list of forty-five of the most prominent, with the amounts they are liable for, to each institution. It will appear from an examination of this list, that over two-thirds of all the paper held by the Banks, is drawn or endorsed by these parties. See Document lettered C, hereunto annexed. Upon this commercial paper we have had great difficulty in arriving at a satisfactory conclusion, and though we have valued it at a seemingly low rate, yet we entertain serious doubts if even this rate will ever be realized on it. Some of it is secured by mortgages on plantations more or less remote from this city; some of it bears privilege on crops long since lost or destroyed; some of it is secured by paper drawn by planters. Payment of any of it at the present time is not expected; and the instances are very rare in which even the interest has been paid. When it is considered that the war is still raging, interest and taxes accumulating, and the value of the land and its improvements daily diminishing, for all purposes of present use, the whole of this suspended debt may be regarded as without any value whatever, and may be safely left out of any calculation to arrive at the actual value of the shares of stock. Hence, the result of the Commission is, in point of fact, more favorable to the Stockholders than the result likely to attend upon a regular liquidation of these Institutions.

As to the relations of the Directors towards these Institutions, we find that their interest as Stockholders is generally small. They do not seem to be indebted, except in two instances, to the Banks, for an amount of money worthy of any comment. These Directors are represented to be loyal to the United States, and to have regularly renewed their allegiance to the nation. Some of the Directors are foreigners. All the particulars of this part of our enquiries are contained in Statements lettered D, hereunto annexed, compiled from the reports of the Banks and verified as far as possible by us, and numbered 1 to 11.

From all of these Documents the business of the Banks will appear clearly. It has remained almost stationary since the arrival of the Federal forces, in April, 1862. The Banks are all now in virtual liquidation. For two years past, they have done no discounting. Some three or four of them now

transact a little exchange business ; but the profits on this, if their balances in Europe to their credit at the beginning of the rebellion be abstracted, would hardly suffice to pay their current expenses, taxes, insurance and interest on their real estate and liabilities. In short, we regard them as effete institutions, founded upon a system which is now without life : and that the existence and prevalence of a well settled, well defined and thoroughly understood National system of Finance is altogether incompatible with the further continuance and existence of these Banks, organized under the laws of Louisiana, and mainly based upon State and City Bonds. We think that it is for the interest of all the stockholders, bill-holders, creditors, as well as the public in general, that these Banks should be wound up as soon as possible : their banking-houses sold or rented out ; their officers and clerks discharged, and a vigorous and economical liquidation be instituted.

Some of these banks require, in our opinion, immediate attention. We allude particularly to the Merchants' Bank and the Bank of Louisiana. In the case of the Merchants' Bank, no one has charge of its assets, with any view of liquidation. J. M. Lepeyre, Esq., the custodian of the books, papers and assets of this Bank, has kindly furnished us with full statements of its present condition, and informs us that W. N. Mercer, Jas. D. Denegre and himself, appointed by General Butler to examine and report, etc., " Always understood this trust to be a temporary one, for a special purpose, no written order having been communicated to us, appointing us Commissioners or Liquidators. We have therefore considered ourselves *fundis officio* ever since November, 1862, when we made our return to Gen. Butler. " " The Merchants' Bank, as a financial corporation, has virtually ceased to exist. There are no Directors now empowered to act, nor any Commissioners officially appointed to take charge of its affairs."

We are of opinion that the laws of Louisiana provide satisfactorily for a speedy and economical liquidation of corporations similarly situated ; and under these laws the proceedings can be conducted before our State tribunals by the Attorney General or the Auditor of the State.

The Bank of Louisiana is now in liquidation ; but great injustice is probably to be expected from the fact that this liquidation is not carried on according to the laws of the State above alluded to. There has been no judicial order staying proceedings against the Bank. All the little Magistrate Courts, as well as the District Courts of the city, are open to litigants for suits on the circulating notes of the Bank. The Justices of the Peace render judgments on these notes against the Bank, which are affirmed by the Third District Court on appeal. Thus the fortunate suitor who can, without inconvenience, lay out of his money for some eight or twelve weeks, gets paid in full at the end of the liquidation, at a terrible expense to the Bank in costs ; whilst those persons who are compelled to sell at once, on account of their

necessities, have to suffer a discount of forty or fifty per centum. The condition of this Bank is anomalous.

Her immediate liabilities are.....	\$3,022,326 90
Her assets, as estimated by us.....	1,069,162 00
Apparent deficit.....	\$1,953,164 90

The Bank has, in gold, in the State of Georgia, \$2,461,394 89-100. If the gold is ever realized, she pays easily all her liabilities and has a handsome surplus. If the gold be lost, she is hopelessly insolvent. In either case, a regular liquidation would be beneficial to all parties interested.

The Banks of this city, as well as most of the other institutions examined by the Commission, have been conducted by Directors, of whom, if not all, certainly a large majority have been in sympathy with the rebellion and its leaders. These institutions are found with large amounts of bonds, issued for the express purpose of carrying on the war against the nation, in their possession. All the Banks, with but one exception, deliberately violated the law by suspending specie payments on the 16th September, 1861, and then circulating the rebel treasury notes. By these acts they forfeited their charters, and lent material aid of a most important character to the rebellion. Since May, 1862, their directions have undergone great changes. The Directors who still remain, and those that have been since selected, have taken the requisite oaths to renew their allegiance. Since the re-occupation of the city in May, 1862, we have found no evidence of any aid given to the rebellion.

We see nothing in the present management of Banking Companies which entitle them to any degree of favor and protection from the United States. On the contrary, they seem to us to be impediments to reconstruction and progress; stagnant pools of exploded ideas of finance based upon slavery; and that it would be wise summarily to remove them. For all purposes of commerce, they are entirely useless to the business community.

We find in the various lists of the stockholders, that they embrace a great variety of character and location. But the great mass of them have taken apparently no interest in the management or in the choice of the Directors. At the elections, the number of votes is very small. We cannot appreciate any private interest or public influence of the non-resident stockholders in and upon the political and social affairs of Louisiana and the country. The resident stockholders seem to acquiesce passively in the acts of the managers of their property, and to be unwilling to give themselves any trouble about the matter. We have noticed no remarkable number of shares standing to a single name. The shares are distributed in small lots among the stockholders. Some few of these are probably traitors to their country; but the great bulk of those residents here have renewed their allegiance, and await the march of events, Could they be induced to meet together and

discuss what were best to be done, they might be induced to abandon their present organization, and resume operations under the National Banking Law.

The Insurance Companies are found to be in a similar condition with the Banks, and the same observations as to the loyalty of the directors and the influence of stockholders, may be applied to them. We annex their condensed statements, by which it will appear that they were controlled during the rebellion by the same influences as the Banks, and with the same results. Some of them have been organized but for a few years, and offer a very insecure indemnity in case of loss to the assured. Others, again, seem to be quite strong enough to transact business in the future. But in all of them the assets have diminished most materially from the valuations annexed to them by the Companies. See Document lettered E.

We think that the Savings Institution is a very insecure depository. If wound up now, there would be a deficiency of \$75,000 at least, in the loans on stocks. The liabilities to depositors are now \$223,113 73. See Document lettered F.

The New Orleans Draining Company has been in liquidation for some years past, under the charge of C. Roselins, Esq.

The Commercial Water Works Company and the New Orleans Gas Light Company seem to be in a favorable condition financially, and require no further notice.

The St. Charles Hotel Company, the Pontchartrain Railroad Company, the City Railroad Company, the New Orleans and Carrollton Railroad Company, the Levee Steam Cotton Press Company, and the Carondelet Canal and Navigation Company, are apparently in a safe condition, and waiting for a change of times to enter upon their usual business. At present, their operations are very limited, and the property of the two last named institutions is employed by the national authorities.

The expenses of the Commission, for clerk hire, rent, stationery, etc., amount to twenty-six hundred dollars. To this, according to the Special Order under which the Commissioners are acting, must be added the compensation to which the Commissioners themselves are justly entitled, and the amount of which they leave entirely within your discretion, as well as the mode in which the same may be assessed on the Institutions examined.

Respectfully submitted,

L. O. WILSON, *Chairman*.
CHARLES W. HORNOR,
AUG. DE B. HUGHES.

New Orleans, May 27, 1864.

MINORITY REPORT.

TO MAJOR GENERAL N. P. BANKS,

Commander of the Department of the Gulf—New Orleans.

SIR :

The undersigned, members of the Financial Commission appointed by you, respectfully beg leave to dissent from the Report presented by the majority of said Commission, for the following reasons, to-wit :

1. Because that Report embraces, indiscriminately, all the Banks in its interdiction, whereas many of them are entitled to a much more liberal course.

2. Because we cannot, under present circumstances, arrive at a just valuation of the portfolio of the several corporations.

3. Because we do not think that the suspension of specie payments, nor other acts of the several Boards of Directors, previous to the re-establishment of the Federal authority in May, 1862, a sufficient cause of penalty against the present loyal Directors and Stockholders.

4. Because we are opposed to the recommendation of the majority, that "These Banks should be wound up as soon as possible—their banking-houses sold or rented out, their officers and clerks discharged, and a vigorous liquidation instituted."

We are of opinion that a summary liquidation would bring great ruin upon the whole community.

A few of these institutions, we admit, appear to be so much involved, that some action is evidently required to guard the public against any further loss. But, those which are able to meet their liabilities to the public, although their capital may be compromised by the ordeal through which they are now passing, ought, in our opinion, to be permitted to go on unmolested, unless their Stockholders, who are the only interested parties, should decide otherwise.

A large number of these Stockholders are residents of the city. The non-residents are represented by their agents, and if they do not themselves urge a liquidation at the present moment, it is reasonable to infer that they hope to do better by procrastinating.

The fact that but a small vote is generally given at the election of Directors, is, in our minds, no proof of the supineness of the Stockholders, but simply indicates that they were satisfied with the management of their trustees.

The other fact noticed by the majority, that the interest of Directors as Stockholders, is generally "very small," is sufficiently explained by the report itself. "that the shares are distributed in *small lots* among the Stockholders, who embrace a great variety of character and location."

Moreover, Directors are not chosen solely on account of their interest in the institution, but mainly on account of the influence they command, as well as for their capacity in financial and commercial affairs.

The ratio of ten per cent. adopted by the majority as the average value of the notes held by the Banks, seems to us altogether premature.

In times like these, it is impossible to set any just valuation upon commercial paper, the payment of which must necessarily depend upon so many contingencies.

There are probably many notes which will not eventually bring more, or perhaps as much, as the ratio above stated; but a large number of them will, in our opinion, be collected with comparatively but little loss, should quiet be restored to the State, which event seems to be, from present indications, in a very fair way of accomplishment.

Many of these notes are guaranteed by mortgages upon improved city property, and upon plantations which have already resumed cultivation, and which promise to yield valuable crops, that will enable the *debtors* to discharge many liabilities, or at least the interest thereon.

Under these circumstances we have every reason to believe that, with proper management, the Banks will be able to collect a much larger amount of their assets than they would otherwise, under a forced liquidation.

It must be evident to every one, even those the least conversant in such matters, that should the recommendations of the majority be adopted, and the assets of the several corporations be disposed of summarily, thereby throwing suddenly upon the market several millions worth of bonds and stocks, their depreciation would be such that scarcely anything would be realized by the unfortunate Stockholders.

Nor would *they* be alone to suffer; for, the moment that the doors of the Banks would be closed, their notes, which are now at par, would fall at least 50 per cent., thereby inflicting great distress upon the whole community, and more particularly upon the laboring classes.

It is a well known fact, that liquidations by process of law are generally so disastrous to the interests of all concerned, that only very little, if anything, remains to be divided among the creditors. This is so well understood by merchants and capitalists generally, that they almost invariably prefer to accept *any compromise*, rather than submit to the chances of litigation.

The list of "forty-five" firms which are represented in the report of the majority as having absorbed two-thirds of the loans made by the Banks, seems to call for some explanation.

These firms represented a majority of the largest cotton and sugar factors of this city. They were in the habit of making advances, in the way of supplies, to the planters of Mississippi, Alabama, Arkansas and Texas, as well as to those of Louisiana, in anticipation of the crops, which were to be consigned to them; and though they number but "forty-five" firms, they, in fact, represented *several thousand* planters, who, but for their assistance, could not have obtained the necessary means to carry on the planting business.

We can here state, without fear of contradiction, that the yearly receipts of cotton at this port averaged from fifteen to eighteen hundred thousand bales, and of sugar three hundred and fifty thousand hhds.—representing, certainly, over one hundred millions of dollars.

It is easily perceived that the factors could not possess the necessary capital to carry on operations of such magnitude; they were consequently obliged to have recourse to the Banks for discounts, and in order to protect themselves, and to strengthen their own position towards the Banks, they obtained from the planter a mortgage on his plantation, or a privilege on his crop.

In ordinary times, this factors' paper was very regularly paid at maturity, and the best evidence of the high estimation in which this class of paper was held, is to be found in the eagerness with which it was sought by the capitalists generally.

It is very true, as stated by the majority, that no expectation is even entertained, at present, of collecting either principal or interest on these notes. But when it is borne in mind that cultivation on most of the plantations had been abandoned or suspended, in consequence of the war, and that it is only since February, 1864, that a new system of labor has been organized by General Order No. 23, it is not to be wondered at that no settlement has as yet been attempted, but strong hopes are entertained that the most happy results likely to flow from that wise measure will soon bring a favorable change, and will enable the Banks to make satisfactory arrangements in most cases.

As far as we have been able to learn, the Constitution and laws of the State of Louisiana impose no penalty on the Banks for the non-payment of deposits. In that respect the depositors stand in the same relation to the Banks as any other creditor, and have the ordinary recourse to law. In the crisis of 1837, when the Banks of the city were upon the eve of suspension, they maintained the redemption of their circulation by withholding the deposits for a short time, and yet they were permitted to go on undisturbed.

The suspension of specie payments by the Banks, in violation of the laws of the State of Louisiana, would certainly be sufficient cause of forfeiture of

their charters, were it not for the incontrovertible fact, that that measure was brought on against the wishes of the Banks themselves, and by the positive orders of the authorities at Richmond, and by the pressing remonstrances of the Governor of the State of Louisiana.

The statements of the Banks show most conclusively that they were all able to meet their liabilities in coin at the time they were forced to suspend, and their correspondence equally establishes the fact that they strenuously refused to comply with the injunction up to the 16th September, 1861, and that they yielded only when they were threatened with the adoption of *harsh measures* to compel obedience.

Under such trying circumstances, it is very evident that the Banks had no other alternative but that of submission, and in our opinion it would be very unjust to accuse them of having "deliberately suspended specie payments to circulate the rebel treasury notes." Nor would it be fair to hold the Directors and Stockholders responsible for the assistance which these institutions gave to the Confederate cause, as it is well known that the pressure of the military power was such, that it would have been impossible for the Banks and Insurance Companies to have resisted it, and no one who was known to have the command of means could escape the general demand for a portion of them.

Besides, the proclamation of the President of the United States having offered an amnesty to all those who would renew their oath of allegiance to the Government, and these parties having complied therewith, it would be, we think, a violation of the expressed and pledged faith of the President, acting under a special act of Congress authorizing him to do so.

Moreover, these institutions being mere representatives of the interests of private individuals, we can see no reason why this peculiar interest should be more harshly dealt with than other property belonging to citizens who were equally involved by their past acts and sympathies in favor of secession, which have since been condemned by the President.

It cannot be denied that all the corporations of this city were found by your Commissioners with large amounts of war bonds in their possession. But, in our opinion, this is satisfactorily explained by the fact that these institutions were compelled by the *then existing authorities* to receive several millions of dollars of Confederate treasury notes in payment of debts due them, which they determined to invest in bonds bearing 8 per cent. interest, instead of holding the treasury notes bearing no interest. This, however, made no difference in their position, as they would have been found in possession of a much larger amount of the latter, had they not taken the war bonds.

From the day of suspension, 16th September, 1861, all the Corporations of the city, (as well as individuals,) had to receive in payment and on deposit the Confederate treasury notes. Hence the great accumulation of this cur-

rency in their vaults, and a large increase in their line of deposits. It had been agreed, however, with the depositors, that they would receive in return payment in the same currency which they had deposited; but on the 19th of May, 1862, Major General Butler issued his Order No. 30, forbidding the Banks "to pay out any more Confederate notes to their depositors or creditors, but that all deposits be paid in the bills of the Bank, United States Treasury Notes, gold or silver; *authorizing* them, at the same time, to receive the Confederate notes for any of their bills, until the 27th of May, 1862."

The consequence of this order was, that on the aforesaid day, the Banks were burdēned with a heavy amount of Confederate notes, which they have still on hand, or have invested as before stated, in bonds bearing interest, or in the purchase of cotton—one of them, the Louisiana State Bank, to the amount of 15,000 bales, which they entertain strong hopes of bringing to market sooner or later.

Against this large amount of Confederate treasury notes, thus forced upon them, the Banks had to issue their own bills to the amount of over six millions of dollars, as shown by the following statement:

Louisiana State Bank, forced circulation.....	\$2,000,000
Citizens' Bank.....	992,000
Mechanics' and Traders' Bank.....	657,850
Union Bank.....	255,375
Crescent City Bank.....	57,667
Canal Bank.....	330,000
New Orleans Bank.....	947,570
Bank of Louisiana, over.....	1,200,000
Bank of America.....	274,615
Total forced circulation.....	<u>\$6,715,977</u>

Had it not been for this Order No. 30, the Banks would have paid over to their depositors the Confederate notes they had received from them, as, we may say, special deposits; they would not have issued several millions of their own bills, and would, this day, have their liabilities proportionately reduced, and nearly all their assets to represent their capital.

We cannot agree with the majority report, "that the present management of the Banking Companies is an impediment to reconstruction and progress."

They may not be able at present to afford any material aid to the business community, but they are not certainly in the way of any other institution doing so. The First National Bank, which was organized here six months ago, is apparently doing a profitable business, and if the resources of the State could be properly developed under present circumstances, we are confident that other institutions would soon spring up under the national system, notwithstanding the existence of the old corporations.

It may be that the Banking Companies of this city "are not entitled to any degree of favor from the United States." Since May, 1862, these institutions

have not been, it is true, in a position to be of service to the Government, with the exception, however, of such as have operated in Exchange, and have bought from the United States Quartermaster his drafts upon the treasury. Nevertheless, it is conceded on all hands, "that the Directions have undergone great changes since the reoccupation in May, 1862, and that the new Directors have all taken the required oaths of allegiance." We, therefore, can see nothing in their *present management* which should deprive them of the protection that the Government extends to its loyal citizens, and to those foreigners who show due obedience to the laws.

Although the Savings' Bank has suffered some depreciation in her capital, according to the estimate placed upon its assets by your Commission, yet we do not consider it in any way as "an insecure depository." Its affairs are managed by honorable men, who have introduced the strictest economy in all its expenses; and there is every reason to believe that, having continued to pay its depositors during the eventful times through which it has passed in the last three years, it will be able to meet all its liabilities to the end.

There is no doubt that, if all its depositors were to call simultaneously for their funds, the Bank would not be able to satisfy them. But, how many institutions in our country, even among the best, could withstand such a contingency? We believe that there are none. But it is not probable that such a calamity will befall the Bank, unless, indeed, the depositors, who are generally of a laboring class, should become unnecessarily alarmed through exaggerated reports.

The Bank was established in 1855. Since that time to the 30th April, 1864, (a period of nine years,) it has received from depositors \$2,905,908 36-100, and has paid \$2,679,175 63-100. Its payments to depositors since October, 1860, to 30th April, 1864, have been \$328,452 3-100. A large number of the depositors have had their money in the Bank for a long time, and are drawing the interest thereon.

In relation to the Insurance Companies, we would respectfully represent that there is not, in our opinion, the slightest ground for any harsh proceedings against such of them as possess adequate means to protect the public who may hold their policies; and this is unquestionably the case with a very large portion of them.

A few of them, organized since a few years, may not offer as much security to the assured in case of loss; but, as the statements of all the Companies are always open to the public, being published in the newspapers, it is for the assured to judge of the Companies which offer the most ample guarantee.

Moreover, it is but just to state, that, although in certain years the losses sustained by these Companies have been *extremely heavy*, yet in *no instance* have they failed to pay promptly all just claims for property destroyed.

It is also proper to remark, that the fact of the assets of these Companies

APPENDIX.

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not being sufficient to redeem the whole amount of scrip issued by them, is no proof of their insolvency.

These scrips, amounting to \$5,414,492 35-100, are not to be considered as "liabilities;" they being issued for profits made, and not payable except when the capital of the Companies are fully made up, and they are subject to curtailments in case the losses sustained should encroach upon the capital.

Respectfully submitted,

**E. P. DUCONGE,
G. MILTENBERGER.**

NEW ORLEANS, June 1st, 1864.

TABLEAU A—NUMBER 1.

BANK OF AMERICA—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 13, 1864.
Loans.	\$ 663,966 74	\$ 384,483 36	\$ 172,811 01	\$ 152,397 83	\$ 75,644 58
Bonds.	266,750 00	306,750 00	327,103 83	324,650 00	324,650 00
Other investments.	716 05	6,026 10	14,664 99	12,064 99	12,064 99
Due from other Banks and Foreign Exchange	3,228 51	63 96	44,480 67	53,958 69	103,892 95
Cash Items.	569,418 89	1,139,758 40	3,591 50	107,296 46	117,156 55
Suspense accounts.			41,375 17	45,521 88	45,521 88
Suspended Bank notes.			1,228 00	5,923 00	5,923 00
Confederate States Notes.			57,540 00	57,540 00	57,540 00
Specie.			214,550 90	74,266 06	96,728 44
Bank Stocks.					67,625 00
Total Resources.	\$1,504,080 19	\$1,837,081 82	\$877,346 07	\$833,618 91	\$906,247 39

BANK OF AMERICA—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862	Jan. 1, 1863.	Jan. 1, 1864.	April 13, 1864.
Capital.	\$ 507,800 00	\$ 507,800 00	\$ 507,800 00	\$ 507,800 00	\$ 507,800 00
Circulation.	109,345 00	139,535 00	116,536 50	65,904 00	59,820 00
Individual Deposits.	751,849 27	1,059,940 49	166,149 26	166,407 01	228,212 38
Due to other Banks.	61,273 15	53,008 34	1,265 57	3,955 35	5,000 00
Other Liabilities.	2,069 00	1,868 00	2,385 00	5,673 00	5,313 00
Total Liabilities.	\$1,432,336 42	\$1,762,151 83	\$794,136 33	\$749,739 36	\$806,145 38

TABLEAU A—NUMBER II.

NEW ORLEANS CANAL AND BANKING COMPANY.—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 16, 1864.
Capital of the Branches.....	\$ 46,994 91	\$ 46,994 91	\$ 46,994 91	\$ 46,994 91	\$ 46,994 91
Public Improvement (Canal).....	1,080,057 11	1,080,057 11	1,080,057 11	1,084,456 41	1,084,003 96
Real Estate and Stock Investments.....	287,234 57	243,959 68	243,959 43	263,884 43	266,194 43
Loans.....	2,245,901 64	1,679,056 73	1,632,905 66	1,518,068 11	1,500,845 29
Due from other Banks and Foreign Exchange	1,167,024 59	1,144,791 59	653,710 82	606,956 12	629,021 65
Specie.....	1,709,454 28	877,034 66	13,533 00	13,453 00	15,453 00
Loan to Confed. States and Louisiana State.		354,575 00	75,000 00	74,588 49	74,588 49
Confederate Notes.....		705,005 00	283,070 00	214,380 00	214,380 00
Other Assets.....		125,274 88	6,145 00	668,951 71	866,615 56
Cash Items.....			500,000 00	500,000 00	500,000 00
Specie seized by Confederate Government....			950,000 00	950,000 00	950,000 00
Bonds—Confederate and Louisiana State (new)					
Total Resources.....	\$6,536,667 00	\$6,256,749 50	\$5,385,375 59	\$5,941,733 18	\$6,148,137 29

NEW ORLEANS CANAL AND BANKING COMPANY.—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 16, 1864.
Capital.....	\$3,164,000 00	\$3,164,000 00	\$3,164,000 00	\$3,164,000 00	\$3,164,000 00
Circulation.....	594,195 00	709,195 00	519,785 00	442,177 50	437,767 50
Individual Deposits.....	1,059,917 78	852,174 08	160,420 67	799,168 42	847,842 59
Due other Banks.....	132,749 74	124,619 87	122,566 61	1,774 20	6,329 92
Other Cash Liabilities.....	89,135 50	25,106 50	29,927 50	16,522 50	14,692 50
Total Liabilities.....	\$5,039,998 02	\$4,875,095 45	\$3,996,669 78	\$4,423,642 62	\$4,570,632 42

TABLEAU A—NUMBER III.

SOUTHERN BANK—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 18, 1864.
Bonds New Orleans Consolidated 6 per cent.	\$ 328,000 00	\$ 528,000 00	\$ 501,600 00	\$ 503,600 00	\$ 504,000 00
Real Estate.....	67,684 13	69,513 17	80,788 30	97,459 72	96,829 25
Loans.....	270,788 31	296,342 34	496,909 61	446,524 43	378,116 54
Due from Banks and Foreign Exchange.....	413,963 43	106,234 65	12,491 75	26,172 75	38,677 87
Specie.....	762,141 79	92,591 46	38,894 17	34,521 23	30,662 73
Suspended Debt.....	19,296 09	924 00	5,852 99	7,016 42	6,933 72
Cash Items.....	126,608 07	184,418 58	100,700 00	1,335 62	1,544 88
Southern Bank Stock.....	250,000 00	76,860 00	13,800 00	107,771 00	145,300 00
Confederate Notes.....					16,261 25
Total Resources.....	\$2,238,481 82	\$1,354,884 20	\$1,251,036 82	\$1,224,401 17	\$1,219,226 17

SOUTHERN BANK—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 18, 1864.
Capital.....	\$1,250,000 00	\$1,000,000 00	\$1,900,000 00	\$ 1,000,000 00	\$1,000,000 00
Circulation.....	136,825 00	30,830 00	22,005 00	16,705 00	15,375 00
Individual Deposits.....	611,876 74	37,072 12	1,929 59	1,269 53	1,272 67
Other Liabilities.....		2,325 00	1,132 38	1,216 00	1,216 00
Total Liabilities.....	\$1,988,701 74	\$1,070,227 12	\$1,025,066 97	\$1,019,190 53	\$1,017,863 67

TABLEAU A—NUMBER IV.

LOUISIANA STATE BANK—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 20, 1864.
Real Estate.....	\$ 121,753 77	\$ 121,753 77	\$ 121,753 77	\$ 121,753 77	\$ 121,753 77
Loans.....	4,579,566 62	3,980,160 27	2,737,383 65	2,700,112 82	2,674,959 57
Due from other Banks.....	1,209,859 89	657 18	7,384 19	695,796 73	428,386 91
City Bonds.....	328,750 00	328,750 00	328,750 00	328,750 00	241,440 00
Other Assets.....	18,156 23	16,647 23	41,709 07	44,656 72	45,634 47
Specie.....	2,992,310 98	2,758,147 46	1,817,457 28	313,429 25	197,301 05
Confederate States Bonds.....		300,000 00	360,000 00	300,000 00	300,000 00
Confederate States Notes, etc. ⁹		2,584,621 77	1,206,779 39	77,176 25	77,772 00
Specie in Confederacy.....			632,720 50	632,720 50	632,720 50
Louisiana State Bonds, (new).....			1,075,000 00	1,075,000 00	1,075,000 00
Confederate Notes in transit.....			1,081,182 39	82,081 00	1,081,682 39
Notes of Suspended Banks.....				192,928 42	82,086 00
Cash Items.....					418,748 22
Total Resources.....	\$9,250,397 49	\$10,090,737 68	\$8,368,937 85	\$7,645,587 85	\$7,377,484 88

LOUISIANA STATE BANK—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 20, 1864.
Capital.....	\$2,000,000 00	\$2,000,000 00	\$2,000,000 00	\$2,000,000 00	\$2,000,000 00
Circulation.....	1,286,405 00	1,539,767 00	3,268,579 00	3,029,076 20	2,566,502 00
Individual Deposits.....	4,836,562 63	5,226,773 03	2,009,041 49	1,329,356 49	1,466,312 29
Due other Banks.....	186,262 04	316,323 23	25,041 17		
Other Cash Liabilities.....	14,220 50	26,137 00	29,120 00	24,367 00	23,667 00
Total Liabilities.....	\$8,323,450 17	\$9,109,000 26	\$7,331,781 66	\$5,382,799 69	\$6,056,481 29

TABLEAU A—NUMBER V.

UNION BANK—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 22, 1864.
Bonds, State Louisiana, (old).....	\$ 250,000 00	\$ 250,000 00	\$ 250,000 00	\$ 250,000 00	\$ 250,000 00
Bonds, City Consolidated.....	500,000 00	500,000 00	500,000 00	500,000 00	500,000 00
Real Estate.....	56,041 75	56,041 75	56,041 76	56,043 31	56,447 66
Loans.....	1,199,365 01	1,330,313 37	1,319,914 68	1,238,340 12	1,238,368 53
Due from Banks and Exchange.....	138,755 34	46,513 97	19,047 06	1,333 56	217 56
Other Assets.....	87,727 97	68,177 97	129,061 64	174,319 39	132,816 15
Cash Items, Notes of other Banks, etc.....	62,452 17	31,780 03	158,365 00	24,780 38	44,070 02
Specie.....	507,973 60	356,110 12	34,725 63		753 58
Confederate and Parish Bonds.....		50,000 00	44,000 00	44,000 00	44,000 00
Confederate Notes.....		976,555 00	5,940 00		
Bonds, Louisiana State, (new).....			250,000 00	250,000 00	250,000 00
Sundry Bank Notes, etc., suspended.....			250,000 00	106,179 53	116,100 50
Total Resources.....	\$2,802,315 84	\$3,665,492 21	\$2,767,095 77	\$2,644,996 29	\$2,632,774 00

UNION BANK—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 22, 1864.
Capital.....	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00
Circulation.....	237,965 00	479,410 00	451,850 00	378,612 50	313,717 50
Individual Deposits.....	641,720 80	872,976 36	152,099 16	90,996 03	205,056 64
Due other Banks.....	153,706 64	521,962 87	298,313 67	34,829 20	34,829 20
Other Liabilities.....	1,866 00	4,145 00	3,785 00	2,073 00	2,069 00
Deposits in Litigation.....				218,345 46	198,122 31
Total Liabilities.....	\$2,535,258 44	\$3,378,494 23	\$2,406,047 83	\$2,224,866 19	\$2,263,794 65

TABLEAU A—NUMBER VI.

MECHANICS' AND TRADERS' BANK—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 25, 1864.
Real Estate.....	\$ 56,220 28	\$ 56,220 28	\$ 54,000 00	\$ 54,000 00	\$ 54,000 00
Loans.....	1,174,867 47	766,107 73	719,219 09	727,341 06	717,279 57
Specie.....	882,733 93	685,309 33	42,740 71	27,183 30	27,183 00
Domestic and Foreign Exchange.....	167,670 53	276,630 43	467,561 09	287,721 52	248,703 34
Due by other Banks.....	24,671 61	13,138 56			
Bonds, City.....	511,000 00	511,560 00	511,000 00	511,000 00	511,000 00
Other Assets.....	46,359 00	138,571 11	8,706 69		
Confederate States Notes.....		395,210 00	72,120 00	21,963 00	21,963 00
Conf. Bonds and Loan and State Loan & Bonds.....		230,000 00	506,933 32	506,933 32	506,933 32
Cash Items.....		87,985 25	28,232 75	80,011 10	148,931 67
Specie in Confederacy.....			250,000 00	250,000 00	250,000 00
Total Resources.....	\$2,863,522 82	\$3,160,672 69	\$2,660,513 65	\$2,466,153 30	\$2,485,993 80

MECHANICS' AND TRADERS' BANK—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 25, 1864.
Capital.....	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00
Circulation.....	243,860 00	258,555 00	734,695 00	623,946 00	478,289 00
Individual Deposits.....	907,466 36	1,223,738 02	247,708 38	175,029 31	298,722 43
Due Banks.....	53,442 65	30,882 52	71,383 47		
Total Liabilities.....	\$2,704,769 01	\$3,013,175 54	\$2,553,786 85	\$2,298,975 31	\$2,277,011 43

TABLEAU A—NUMBER VII.

BANK OF NEW ORLEANS—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 27, 1864.
Bonds, Louisiana State, (old).....	\$ 322,000 00	\$ 322,000 00	\$ 322,000 00	\$ 322,000 00	\$ 322,000 00
Bonds, City Consolidated.....	449,000 00	449,000 00	449,000 00	449,000 00	449,000 00
Loans.....	1,439,462 33	1,618,941 13	1,601,431 77	1,579,604 58	1,573,558 90
Loans.....	21,729 65	90,000 00	90,000 00	90,000 00	90,000 00
Real Estate.....	90,000 09	7,926 97	67,734 64	177,763 90	19,443 30
Due from Banks.....	102,829 67	803,702 18	803,150 00	131,325 95	78,325 95
Specie.....	997,579 45	178,000 00	49,472 66	209,388 73	248,867 49
Cash Items.....	252,455 58	23,580 00	185,500 00	185,500 00	178,000 00
Confederate States and Parish Bonds.....		754,340 49	23,580 00	23,580 00	23,780 00
Stock, Bank of New Orleans.....			220,000 00	220,000 00	227,500 00
Confederate Notes.....			405,000 00	405,000 00	405,000 00
Bonds, Louisiana State, (new).....			39,330 00	62,466 00	85,590 00
Purchase (in Gold) of Cotton in Confederacy					
Other Items.....					
Total Resources.....	\$3,675,056 58	\$4,247,490 77	\$3,746,119 07	\$3,855,628 16	\$3,701,065 64

BANK OF NEW ORLEANS—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 27, 1864.
Capital.....	\$2,000,000 00	\$2,000,000 00	\$2,000,000 00	\$2,000,000 00	\$2,000,000 00
Circulation.....	398,930 00	501,680 00	1,099,064 50	1,077,279 50	911,474 50
Individual Deposits.....	950,717 22	1,250,122 21	301,968 34	391,677 86	305,661 26
Due other Banks.....	45,375 27	200,853 94	5,182 07		
Other Liabilities.....	954 00	6,504 00	3,564 00	2,804 00	2,744 00
Total Liabilities.....	\$3,395,976 49	\$3,958,160 16	\$3,408,778 91	\$3,471,761 36	\$3,219,879 76

TABLEAU A—NUMBER VIII.—CITIZENS' BANK—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 30, 1864.
Specie	\$3,171,465 88	\$4,029,211 64	\$2,174,404 12	\$ 902,407 22	\$ 270,060 45
Domestic Exchange	1,202,017 54	10,539 61	362,611 54	448,019 13	505,197 08
Foreign Exchange	485,327 98	834,697 40	237,919 69	453,685 85	1,403,235 94
Loans	3,591,195 52	3,743,675 20	2,476,246 46	1,701,014 72	1,674,811 99
City Bonds, Consolidated	74,730 00	72,060 00			
Real Estate	139,500 00	134,500 00	134,500 00	134,500 00	134,500 00
Due by Banks	240,895 09				
Mortgage Stock Department	269,649 06	195,509 84		433,603 70	524,482 96
Other Assets	160,106 41	19,578 22	52,065 82	72,107 77	60,999 44
Confederate Bonds		73,522 00			
Warrant on State Treasurer Louisiana		165,655 00	412,092 01		
Confederate Notes		1,572,100 00	45,190 00	6,675 00	
Hope & Co., special account			816,000 00	425,000 00	189,500 00
Louisiana State 8 per cent. Bonds			737,000 00	737,000 00	737,000 00
Cash Items			495,873 50	1,052,617 50	972,335 00
Specie in Share-report					19,027 06
Total Resources	\$9,334,987 48	\$10,851,078 91	\$7,943,903 14	\$6,366,630 89	\$6,491,129 94

APPENDIX.

CITIZENS' BANK—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 30, 1864.
Capital	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00	\$1,500,000 00
Circulation	2,131,500 00	2,120,280 00	2,674,910 00	1,417,665 00	1,230,620 00
Individual Depositors	3,420,167 53	4,812,241 66	1,164,308 68	1,400,109 98	1,887,475 88
City N. O. tax for R. R. Bonds, Coupons & O. Loan	371,410 31	383,833 87	626,645 85	417,555 30	
Due Banks	369,729 61	315,260 31	123,772 07	16,817 56	46,480 49
Other Liabilities	4,055 13	5,709 00	8,593 00	6,297 00	5,497 00
Mortgage Stock Department			36,717 01		
Total Liabilities	\$7,796,862 58	\$9,137,324 83	\$6,034,946 61	\$4,758,444 84	\$4,670,073 37

TABLEAU A—NUMBER 84.

STATEMENT OF THE AFFAIRS OF THE MORTGAGE STOCK DEPARTMENT OF THE CITIZENS' BANK OF LOUISIANA ON THE
16TH APRIL, 1884.

ASSETS.		LIABILITIES.	
Capital in Banking Department.	\$ 500,000 00	Bonds for Capital payable in London and Amsterdam.	\$1,265,333 33
Credit Loans.	2,949,923 00	State Bonds payable 1st Feb., 1868.	1,264,886 89
Stockh'ld'rs in arrears—Instal'm't Interest.	293,260 14 430,058 95	" " " " 1877.	500,000 00
Sundry Debtors.	3,365 26	" " " " 1884.	1,267,111 11
Insurance Companies' Scrip.	1,180 00	Bank Bond payable 1st Feb., 1886.	133,333 33
Insurance paid for Debtors.	6,545 65		\$4,430,666 66
Hope & Co.	1,580 80	Banking Department.	524,462 96
F. de Lizardi & Co.	482 79		
Louisiana State 8 per ct. Bonds.	2,063 59		
Notes and Bills Discounted.	11,000 00		
Real Estate.	466,941 68 4,670 00		
Independent of one-third Reserve	\$4,669,008 27		
Funds in Banking Dep't, say..	500,000 00		
And interest accrued on Stock			
Notes in arrears since due....	not estimated.		
			\$4,965,129 62

TABLEAU A—NUMBER IX.

BANK OF LOUISIANA—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	April 4, 1864.
Specie.....	\$2,143,961 22	\$2,852,319 39	\$ 27,828 12	\$ 677 85
Real Estate.....	169,624 66	109,674 65	106,894 56	106,894 66
Loans.....	4,030,929 15	3,131,850 01	2,320,306 44	2,152,779 95
Loans on Notes bearing Mortgage.....	681,393 40	808,223 40	670,023 44	587,923 40
Exchange, Domestic and Foreign.....	1,314,740 64	385,088 27	20,618 53	28,445 95
Due from Banks.....	195,732 09			
Bonds, City, State and Confederate States.....	109,044 50	360,544 5	1,160,544 50	1,150,544 50
Cash Items.....	364,393 96	77,409 28	25,083 87	13,763 25
Other Assets.....	2,293 34	863 32	700 00	13,650 00
Loan to State of Louisiana.....		104,550 00		
Confederate Notes.....		1,315,568 65	631,096 47	475,994 50
Specie in Augusta, Georgia.....			2,492,508 38	2,461,394 89
Loans through Dr. Duncan.....				104,610 00
Total Resources.....	\$9,011,992 96	\$9,146,116 48	\$7,455,604 37	\$7,096,678 95

APPENDIX.

BANK OF LOUISIANA—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	April 4, 1864.
Capital.....	\$2,793,500 00	\$2,793,500 00	\$2,793,500 00	\$2,793,500 00
Circulation.....	688,694 00	804,221 00	1,720,902 50	1,971,145 00
Due Banks.....	148,816 92	206,134 11	9,701 38	
Individual Deposits.....	4,237,837 99	4,172,463 04	1,645,460 48	1,008,764 50
Other Liabilities.....	7,673 30	67,680 40	56,472 40	42,417 40
Total Liabilities.....	\$7,876,522 21	\$8,043,998 55	\$6,226,036 76	\$5,815,826 90

TABLEAU A—NO. X.

CRESCENT CITY BANK—RESOURCES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 30, 1864.
Bonds, State and City.....	\$ 348,000 00	\$ 348,000 00	\$ 345,000 00	\$ 289,500 00	\$ 286,500 00
Loans.....	993,572 18	925,876 25	808,149 68	749,016 37	782,069 37
Exchange.....	196,863 32				
Specie.....	178,512 53	175,767 04	168,339 80	4,000 00	4,000 00
Cash Items.....	47,095 76	30,042 63			
Loan Account, \$15,000,000 Loan, etc.....		50,000 00	104,100 00	104,100 00	104,100 00
Confederate Notes.....		127,020 00	68,652 05	32,187 28	32,187 28
Other Assets.....		2,200 61	3,178 52	5,315 59	36,481 03
Crescent City Bank Stock.....			27,500 00	27,500 00	27,500 00
Specie at Montgomery, Alabama.....				162,658 50	162,658 50
Total Resources.....	\$1,693,983 79	\$1,658,906 53	\$1,524,920 05	\$1,374,277 74	\$1,434,496 18

CRESCENT CITY BANK—LIABILITIES.

	Jan. 1, 1861.	Jan. 1, 1862.	Jan. 1, 1863.	Jan. 1, 1864.	April 30, 1864.
Capital.....	\$1,020,300 00	\$1,020,300 00	\$1,020,300 00	\$1,020,300 00	\$1,020,300 00
Circulation.....	206,505 00	168,460 00	196,530 00	166,180 00	159,280 00
Individual Deposits.....	149,716 34	270,593 14	106,074 68	37,031 45	36,665 72
Due to Banks.....	50,044 41	17,471 65	16,005 76	11,892 78	11,892 78
Other Liabilities, (dividends).....	1,212 00	52,007 00	2,909 00	2,659 00	2,574 00
Bills Payable.....	80,000 00				
Total Liabilities.....	\$1,507,776 75	\$1,518,831 79	\$1,340,819 44	\$1,238,063 23	\$1,230,712 50

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TABLEAU A—NUMBER XI.
MERCHANTS' BANK—RESOURCES.

	Aug. 23, 1862.
Specie in Confederacy	\$ 160,600 00
Specie in vault	8,000 00
380 Bonds of the City of New Orleans, 6 per cent.	380,000 00
Louisiana State Bonds, 6 per cent and 8 per cent.	125,000 00
New Orleans, Jackson & Great Northern R. R. Co.'s Bonds.	100,000 00
Confederate and Parish Bonds	23,000 00
Real Estate	20,000 00
Loans	522,361 90
Exchange, Foreign and Domestic	5,581 04
Due by Banks	5,025 95
Other Assets	36,836 21
Over Drafts	8,722 96
Total Resources	\$1,395,128 06

MERCHANTS' BANK—LIABILITIES.

	Aug. 23, 1862.
Capital	\$852,200 00
Circulation	392,316 25
Deposits	91,500 58
Due Banks	21,244 19
Other Liabilities (dividends)	7,203 00
Total Liabilities	\$1,364,464 02

TABLEAU A—NUMBER XII.

CONSOLIDATED ASSOCIATION OF THE PLANTERS OF LOUISIANA—RESOURCES.

	March 31, 1864.
Stockholders	\$ 80,698 37
Stockholders in Arrears	138,748 67
Bills Receivable	185,730 13
Long Loans on Mortgage	10,590 00
Real Estate	16,553 10
Bank Stocks	73,775 00
Contributions in Arrears	68,862 00
Twenty-five City of New Orleans Consolidated Bonds	23,612 50
Cash	21,378 44
Other Assets	164 33
Total Resources	\$620,112 54

CONSOLIDATED ASSOCIATION OF THE PLANTERS OF LOUISIANA—LIABILITIES.

	March 31, 1864.
Annexes to the State Bonds	\$538,800 00
Coupons of Interest	39,136 15
Special Deposits	20,236 25
Total Liabilities	\$598,172 40

TABLEAU B—NUMBER I.

BANK OF AMERICA—ASSETS.

Specie.....	\$96,728 44	valued at	\$183,141 00
Legal Tender and Current Notes.....	117,156 55	do	117,156 00
269 State La. Bonds, (rebel) \$26,900 }			
34 do do (old 24,000 }	53,700 00	do	14,400 00
287 N. O. City Bonds, (old) \$1000 each....	243,950 00	do	243,950 00
Confederate States and Parish Bonds.....	27,400 00	do	.....
Bank Stocks.....	67,625 00	do	13,200 00
Coupons on Bonds with Auditor.....	10,044 99	do	10,045 00
Crescent City Bank Notes.....	517 50	do	517 00
Confederate States Notes.....	57,540 00	do	.....
Domestic Exchange.....	45,644 40	do	45,664 00
Foreign Exchange.....	57,748 55	do	87,000 00
Merchants' Bank Notes.....	5,405 50	do	2,162 00
Sundry Parish Notes (war).....	6,187 98	do	.....
Port Folio.....	116,998 48	do	54,003 00
<hr/>			
Total Assets.....	\$906,247 39	valued at	\$771,238 00
Assets as above valued.....			\$771,238 00
Liabilities exclusive of Capital.....			298,345 00
			<hr/>
			\$472,893 00
 Five thousand and seventy-eight shares valued each at \$93 12.			

TABLEAU B—NUMBER II.

NEW ORLEANS CANAL AND BANKING COMPANY—ASSETS.

Port Folio.....	\$1,439,825 71	} \$1,439,825 71 val'd at \$143,982 00
Less Parish Bonds.....	39,197 30	
	<hr/> \$1,400,628 40	
Capital of Branches out of existence.....	\$ 46,994 91	valued at
New Canal Improvement.....	1,084,003 96	do
Real Estate.....	228,751 56	do 228,751 00
Bellfountaine Plantation.....	1,000 00	do 1,000 00
Lands in Texas.....	8,291 40	do
Twenty-three Slaves.....	27,561 63	do
Protested Exchange and Paper (considered bad).....	55,379 58	do
Confederate Bonds, La. State Bonds and Loan (war).....	1,024,588 49	do
Foreign Exchange.....	448,494 42	do 896,000 00
Domestic Exchange.....	180,527 23	do 180,527 00
Specie in Confederacy.....	500,000 00	do
<hr/>		
Amount carried forward.....	\$5,045,418 89	do \$1,450,260 00

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Amount brought forward.....	\$5,045,418 89	valued	\$1,450,260 00
Specie in Vault.....	15,453 00	do	29,360 00
Confederate Notes.....	214,380 00	do	.....
Merchants' Bank Notes.....	510 00	do	200 00
Crescent City Notes.....	711 50	do	560 00
Bank of Louisiana.....	150 00	do	90 00
Legal Tender Notes.....	865,244 06	do	865,244 00
E. J. Hart & Co.....	5,740 00	do	5,740 00
Stock N. O. and G. N. R. R.....	529 84	do	.....
Total Assets.....	\$6,148,137 29		\$2,351,454 00
Assets as above valued.....			\$2,351,454 00
Liabilities, exclusive of Capital.....			1,406,632 00
Surplus.....			\$944,822 00
31,640 shares valued at \$29 86 each.			

TABLEAU B—NUMBER III.

SOUTHERN BANK—ASSETS.

531 City Consolidated 6 per ct. Bonds. \$	504,600 00	valued at \$	477,900 00
Real Estate.....	96,829 25	do	96,830 00
Confederate Notes.....	49,405 98	do	.....
About 800 bls Cotton in Confed'cy, cost	46,707 02	do	.....
St. Charles Hotel Bonds.....	14,000 00	do	14,000 00
State and City bonds (war).....	120,000 00	do	.....
Confederate and Parish Bonds.....	86,838 82	do	.....
Exchange.....	38,677 87	do	38,677 00
Specie.....	30,962 73	do	58,900 00
1,453 Shares of own Stock.....	145,300 00	do	.....
Interest Coupons with Auditor.....	5,850 00	do	5,850 00
Current Funds.....	1,544 81	do	1,544 00
Insurance Scrip.....	240 00	do	100 00
Port Folio.....	71,835 97	do	30,000 00
Suspense Account.....	6,933 72	do	.....
Total Assets.....	\$1,219,226 17	do	\$723,801 00
Assets as above valued.....			\$723,801 00
Liabilities exclusive of Capital.....			17,863 00
Surplus.....			\$705,938 00
Capital.....			\$1,000,000
Loss held by Bank.....			145,300
			\$854,700
8,547 shares valued at \$82 59 each.			

TABLEAU B—NUMBER IV.

LOUISIANA STATE BANK—ASSETS.

Port Folio.....	\$2,643,879 57	\$2,643,879 57 valued at	264,387 00
Less Parish Bonds....	73,879 63		
	<u>\$2,569,999 94</u>		
Real Estate.....	121,753 77	valued at	121,753 00
Sundry Assets as per Statement E....	45,634 47	do	10,000 00
Mortgage on McHatton's Plantation..	31,080 00	do	25,000 00
Confederate notes in transitu, in cotton	1,081,682 39	do	.....
Confederate and State Notes.....	77,772 00	do	.....
City and Current Bank Notes.....	70,578 69	do	70,578 00
Bank of Louisiana Notes.....	11,960 00	do	7,176 00
Crescent City Bank Notes.....	9,365 00	do	7,492 00
Merchants' Bank Notes.....	69,761 00	do	24,000 00
Bank of New Orleans Notes.....	37,870 00	do	30,296 00
United States Treasury Notes.....	310,299 53	do	310,299 00
Louisiana State Bonds (new).....	1,075,000 00	do	.....
Confederate State Bonds.....	300,000 00	do	.....
City Bonds Consolidated.....	241,440 00	do	241,440 00
Specie in transitu (Confederacy).....	632,720 50	do	.....
Specie in Vault.....	197,301 05	do	374,870 00
Exchange.....	428,386 91	do	850,000 00
Total Assets.....	\$7,377,484 88		\$2,337,291 00
Liabilities, exclusive of Capital.....			\$4,056,481 00
Assets as above valued.....			<u>2,337,391 00</u>
Deficit.....			\$1,719,190 00
20,000 Shares; no value.			

TABLEAU B—NUMBER V.

UNION BANK—ASSETS.

Port Folio.....	\$1,238,368 53	valued at	\$123,836 00
Bonds, Louisiana State (new).....	250,000 00	do	.....
Bonds, Louisiana State (old).....	250,000 00	do	175,000 00
Bonds, City Consolidated.....	500,000 00	do	450,000 00
Bonds, Confederate and Parish.....	44,000 00	do	.....
Real Estate.....	56,447 66	do	56,447 00
Protested Exchange, Benson, N. Y....	22,430 86	do	.....
Taxes on Real estate held in Trust,			
Memphis.....	4,812 36	do	.....
Twenty Bonds Treverton Coal Mines.			
\$1000 each.....	15,494 14	do	7,500 00
Due from sundry banks for protests etc.	78 69	do
Amount carried forward.....	\$2,381,632 24	do	<u>\$812,783 30</u>

APPENDIX.

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Amount brought forward	\$2,381,632 24	valued at	\$812,783 00
M. Morgan & Son, New York Exchange	217 56	do
Coupons on Bonds in Auditor's hands	90,000 00	do	90,000 00
Specie	753 58	do	1,400 00
Legal Tender Notes	32,153 02	do	32,653 00
City and Current Bank Notes	12,033 00	do	12,033 00
Bank of New Orleans Notes	6,800 00	do	5,200 00
Bank of Louisiana Notes	69,699 50	do	43,000 00
Crescent City Bank Notes	13,275 00	do	11,900 00
Merchants' Bank Notes	19,204 50	do	7,680 00
Notes, State La. and Jackson R. R.	7,075 50	do	.....
Sundries	30 00	do	30 00

Total Assets	\$2,632,774 00	\$1,015,079 00
Assets as above valued	.....	1,015,079 00
Liabilities exclusive of capital	.....	753,794 00

Surplus..... \$261,285 00
 15,000 shares, valued at \$17⁴²/₁₀₀ each.

TABLEAU B—NUMBER VI.

MECHANICS' AND TRADERS' BANK—ASSETS.

Portfolio	\$ 662,692 62	valued at \$	66,270 00
25 Parish Bonds, (war purposes)	23,024 91	do	.....
Bonds Confederate States	165,600 00	do	.....
Bonds, Louisiana State, Confed., (war)	307,500 00	do	.....
500 City Consolidated, with Auditor	500,000 00	do	450,000 00
11 City, Jackson and G. N. Railroad	11,000 00	do	8,800 00
Two Bills Receivable	2,600 00	do	.....
Sundry Exchange, protested, bad	33,462 04	do	.....
Real Estate	54,000 00	do	54,000 00
Loan to La. State, Confederate war	29,333 32	do	.....
Gold in Confederacy	250,000 00	do	.....
Specie in vault	27,183 00	do	51,300 00
Legal Tender Notes	134,250 57	do	134,250 00
Local Notes	14,681 00	do	14,681 00
Confederate Notes	21,963 00	do	.....
Domestic Exchange	2,379 59	do	2,379 00
Foreign Exchange, par	246,323 75	do	492,646 00

Total Assets	\$2,485,993 80	\$1,274,326 00
Assets as above valued	.....	1,274,326 00
Liabilities, exclusive of Capital	.....	777,011 00

\$497,315 00
 15,000 shares, valued at \$33 ¹⁵/₁₀₀ each.

TABLEAU B—NUMBER VII.

BANK OF NEW ORLEANS—ASSETS.

Portfolio	\$1,573,558 90		
Less Parish Bonds.....	23,566 18		
	<u>\$1,550,052 72</u>	\$1,573,558 90 valued at	\$157,355 00
432 Bonds, City Consolidated.....	432,000 00	..	368,800 00
17 Bonds, City Railroad.....	17,000 00	..	13,600 00
322 Bonds, State, (old).....	322,000 00	..	225,400 00
Real Estate.....	90,000 00	..	90,000 00
272 shares Bank of New Orleans Stock.	23,780 00	..	.....
Due from Distant Banks.....	145 28	..	.....
Specie.....	78,325 85	..	148,820 00
United States Treasury Notes.....	211,171 00	..	211,171 00
Merchants' Bank Notes.....	20,972 50	..	8,400 00
Bank of Louisiana Notes.....	7,574 00	..	4,500 00
Crescent City Bank Notes.....	8,275 00	..	6,640 00
Exchange, Foreign and Domestic.....	19,298 02	..	19,298 00
Bonds, State Louisiana, (new).....	227,500 00	..	.....
Confederate States Bonds.....	178,000 00	..	.....
Purchase of cotton of Confederate States in Gold.....	405,000 00	..	.....
Past due Coupons on City Bonds.....	85,590 00	..	85,590 00
New Orleans City Notes.....	874 99	..	875 00
Total Assets.....	\$3,701,065 64		\$1,360,449 00
Assets as above valued.....			1,360,449 00
Liabilities, exclusive of Capital.....			1,219,879 00
Surplus.....			\$ 140,570 00
Capital.....			2,000,000 00
Less held by Bank.....			27,200 00
			<u>\$1,972,800 00</u>

19,728 Shares, valued at \$7 12 each.

TABLEAU B—NUMBER VIII.

CONSOLIDATED ASSOCIATION OF THE PLANTERS OF LOUISIANA—ASSETS.

Stockholders' Notes and Bills Receivable on Mortgage, as per Bank Statement..	\$415,767 17 valued at	\$415,767 00
Real Estate.....	16,553 10	.. 16,553 00
700 shares Bank of Louisiana.....	70,000 00	.. 14,000 00
44 shares Commercial Bank.....	3,775 00	.. 2,640 00
Contributions in Arrears.....	68,862 00	.. 68,862 00
25 Consolidated City Bonds.....	23,612 50	.. 22,500 00
Cash Items.....	21,378 44	.. 20,000 00
Sundries, Fees of Court, &c.....	164 33	.. ..
Total Assets.....	\$620,112 54	\$560,322 00
Liabilities as reported.....		598,172 00
Assets, valued at.....		560,322 00
Deficit.....		<u>\$37,850 00</u>

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NOTE.—There are still two Contributions due by the Stockholders of \$6 per Share, (due 1st June, 1864 and 1865,) amounting each to \$31,248, which do not appear in the assets of the Bank, and which will cover the apparent deficit.

Number of Shares, 5,208.

TABLEAU B—NUMBER IX.

BANK OF LOUISIANA—ASSETS.

Specie in Confederacy.....	\$2,461,394 89	valued at	.....
Specie in Vault.....	677 85	..	\$1,200 00
Merchants' Bank Notes, etc.....	13,763 25	..	5,400 00
Confederate States Notes in Confederacy and on hand.....	475,994 50	..	.....
Port Folio.....	\$2,123,691 24	}	212,370 00
Less Parish Bonds.....	57,270 71		
	\$2,066,420 53	2,123,691 24	..
Loans through Dr. Duncan.....	104,610 00	..	10,460 00
Rent Notes.....	650 00	..	.....
108 City Bonds to Charity Hospital and Second Municipality, \$97,600.....	92,532 00	..	92,532 00
Louisiana State and Confederate States Bonds.....	1,050,000 00	..	.....
Pontchartrain Railroad Stock.....	6,512 50	..	2,500 00
Bonds, Parish of East Baton Rouge...	500 00	..	.....
Texas Indemnity, 5 per cent. Bonds...	1,000 00	..	1,000 00
Inland Exchange, (bad.).....	13,000 00	..	.....
Loan on our own Stock, (about par)...	29,088 71	..	6,000 00
Real Estate.....	106,894 66	..	106,894 00
Foreign Exchange.....	16,561 14	..	31,000 00
Northern and Western Banks.....	11,884 81	..	11,884 00
Bonds and Notes bearing Mortgage...	587,923 40	..	587,923 00
Total Assets.....	\$7,096,678 95		\$1,069,163 00
Liabilities, exclusive of Capital.....			3,022,327 00
Assets as above valued.....			1,069,163 00
Deficit.....			\$1,953,164 00
Capital, as reported, \$2,793,500 00.			

APPENDIX.

TABLEAU B—NUMBER X.

CRESCENT CITY BANK—ASSETS.

Port Folio.....	\$ 782,062 76	valued at \$ 78,206 00
191 City Bonds, Railroad.....	191,000 00	162,350 00
96 Louisiana State Bonds.....	95,500 00	67,200 00
Confederate States, Louisiana State and Parish Bonds.....	104,100 00	.....
Nelson Clements, Texas.....	2,200 61	.....
John Dickinson, Texas.....	127 76	.....
Confederate States Notes.....	32,187 28	.....
Specie.....	4,000 00	7,600 00
Specie in Montgomery, Alabama.....	162,658 50	.....
275 shares Crescent City Bank Stock..	27,500 00	.....
Sundry Notes.....	11,262 66	11,262 00
Interest Coupons on Bonds in Auditor's hands.....	21,890 00	21,890 00
Total Assets.....	\$1,434,489 57	\$348,508 00
Assets, as above valued.....		348,508 00
Liabilities, exclusive of Capital.....		210,412 00
Surplus.....		\$ 138,096 00
Capital, as reported.....		1,020,300 00
Less.....		27,500 00
Actual Capital.....		\$ 992,800 00
Each share valued at \$13 91.		

TABLEAU B—NUMBER XI.

CITIZENS' BANK—ASSETS.

Port Folio.....	\$2,839,172 83	
Less Parish Bonds, etc..	542,245 60	
	\$2,296,000,929 23	valued at \$229,692 00
Bank has reduced the above to.....	\$1,674,811 99	do
Louisiana State Bonds, 8 per ct., (war)	737,000 00	do
Levee Bonds, Coupon Account, etc..	1,679 98	do 1,679 00
Coin for securing Draft in New York,	5,167 40	do 5,167 00
Real Estate, New Orleans.....	109,500 00	do 109,500 00
Real Estate, Shreveport	25,000 00	do 25,000 00
Specie in Vault	170,060 45	do 323,000 00
Specie in Shreveport.....	19,027 08	do
Legal Tender Notes	955,635 00	do 955,655 00
Exchange, Domestic.....	505,197 08	do 505,197 00
Exchange, Foreign.....	1,403,235 94	do 2,860,000 00
Local Bank Notes.....	16,700 00	do 16,700 00
Merchants' Bank Notes.....	24,330 00	do 9,720 00
Amount carried forward.....	\$595,345 92	do \$5,061,310 00

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Amount brought forward.....	\$595,345 92	valued	\$5,061,310 00
Crescent City Bank Notes.....	27,532,50	do	21,000 00
Insurance Scrip, Sun Ins. Co., 1859...	1,152 06	do	400 00
Hope & Co., Amsterdam, Special Acct	189,500 00	do	189,500 00
Local Notes in Shreveport.....	1,137 50	do	.....
Specie at par in New York.....	100,000 00	do	185,000 00
Mortgage Stock Department.....	524,462 96	do	.....
Total Assets.....	\$6,491,129 94		\$5,437,190 00
Assets as above valued.....			\$5,437,190 00
Liabilities, exclusive of Capital.....			3,170,073 00
Surplus.....			\$2,267,117 00
15,000 shares, valued at \$151 14 per share.			

TABLEAU B—NUMBER XII.

MERCHANTS' BANK.

Port Folio, (large part in Confederacy \$	522,361 90	valued at \$	52,236 00
380 Bonds City New Orleans, 6 per ct.	380,000 00	do	323,000 00
Louisiana State Bonds, 6 and 8 per ct.	125,000 00	do	.....
N. O., J. and G. N. R. R. Co's Bonds.	100,000 00	do	50,000 00
Confederate and Parish Bonds.....	23,000 00	do	.....
Real Estate.....	20,000 00	do	20,000 00
Exchange, Foreign and Domestic....	5,581 04	do	5,580 00
Insurance Scrip.....	3,210 00	do	1,280 00
Coupons, City Bonds.....	11,670 00	do	11,670 00
Suspense Account.....	15,172 01	do	1,517 00
Local Bank Notes.....	5,910 00	do	5,910 00
City of New Orleans Notes.....	374 20	do	374 00
Certificates of Deposit.....	500 00	do	500 00
Sundry Over Drafts.....	8,732 96	do	.....
Due by Distant Banks.....	5,025 95	do	2,500 00
Specie in Confederacy.....	160,500 00	do	.....
Specie in Vault.....	8,000 00	do	15,000 00
Total Assets.....	\$1,395,128 06		\$489,568 00
Liabilities exclusive of Capital.....			\$512,264 00
Assets as above valued.....			489,568 00
Deficit.....			\$23,696 90
8,522 shares without value.			

APPENDIX.

TABLEAU D—NUMBER I.

BANK OF AMERICA.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
C. Cavaroc.....	Creole.	471 firm	
W. B. Schmidt.....	Naturalized.	70 ..	
A. B. Charpentier.....	Creole.	60 ..	10,310 00
C. J. Leeds.....	..	139 ..	
J. Viosca, Jr.....	..	10 ..	
..	..	28 own	
M. Puig.....	Spaniard.	40 firm	
D. Fatjo.....	..	20 ..	
A. Giraud.....	French.	86 ..	
..	..	10 own	
J. J. Fernandez.....	Spaniard.	20 firm	
J. A. Seignouret.....	French.	42 own	
Charles Lafitte.....	Spaniard.	20 ..	
A. Thibaut.....	Creole.	20 ..	

OFFICERS.

C. Cavaroc.....	Creole.	President.
A. M. Fortier.....	..	Cashier.
J. F. E. Pascal.....	French.	
Jules Durel.....	Creole.	
M. Vilasica.....	Native Fla.	
M. Cross.....	Creole.	

TABLEAU D—NUMBER II.

NEW ORLEANS CANAL AND BANKING COMPANY.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
George Jones.....	Naturalized.	380 own.	
J. H. Stauffer.....	Native.	464 ..	
C. T. Buddecke.....	Naturalized.	60 ..	
B. B. Hart.....	..	132 firm.	
D. McCoard.....	..	10 own.	
G. W. Babcock.....	Native.	13 ..	
C. Schneider.....	Naturalized.	52 ..	

OFFICERS.

George Jonas.....	Naturalized.	President.
Ch. Jumonville.....	Creole.	Acting Cashier.
P. L. Duquesnay.....	British.	Exchange Clerk.
Laf. Guyol.....	Creole.	Individual Book-keeper.
Jacob Staub.....	Naturalized.	Porter.
George Witt.....	French.	Watchman.

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TABLEAU D—NUMBER III.

SOUTHERN BANK.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
Aristide Miltenberger.....	Creole.	100 own.	
C. Rosellus.....	Naturalized.	100 ..	
H. Wilson.....	Native.	100 ..	
W. C. C. Claiborne.....	Creole.	148 ..	
John T. Moore.....	Naturalized.	130 ..	
George W. Byrne.....	..	100 ..	

OFFICERS—

Aristide Miltenberger.....	Creole.	President.
Thomas Layton.....	..	Cashier.
Charles Livaudais.....	..	Teller.
J. Garr.....	Native.	Book-keeper.
L. R. Courtin.....	Creole.	Porter.
A. Schwartz.....	Naturalized.	Watchman.
— Snowberges.....	..	

TABLEAU D—NUMBER IV.

LOUISIANA STATE BANK.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
J. M. Lapeyre.....	Naturalized.	117 own	
W. H. Avery.....	Native.	163 firm.	205,568 90
Jules A. Blanc	Creole.	116 own.	
Alexander Brother.....	Native.	200 ..	
R. Brugier.....	Creole.	25 ..	
A. Carriere.....	Naturalized.	28 ..	
Pablo Gelpi.....	..	54 ..	
S. H. Kennedy.....	Native.	33 ..	3,847 96
E. Peale.....	..	10 firm.	94,880 11

OFFICERS.

J. M. Lapeyre.....	Naturalized.	President.
L. Bernard.....	Creole.	Cashier.
V. Dejan.....	..	Paying Teller.
A. Goulon.....	..	Receiving Teller.
A. Dupri.....	..	Individual Book-keeper.
H. Rolling.....	Naturalized.	Runner and Porter.
E. G. Gottschalk.....	Creole.	Notary.
S. H. Torrey.....	Native.	Attorney.
W. S. Pike.....	Cashier.	Br. Bt. Rouge.

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TABLEAU D—NUMBER V.

UNION BANK OF LOUISIANA.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
Alf. Penn.....	Native Virginia.	500 own.	
Benj. Biscoe.....	Maryland.	33 ..	
E. Parmele.....	Kentucky.	190 ..	3,325 00
N. Williamson.....	Georgia.	138 ..	
E. F. Lavillebeuvre...	Creole.	25 ..	
R. H. Thorn.....	Native.	75 ..	
A. Baldwin.....	Mass.	70 ..	
Samuel McConnell.....		32 ..	
F. G. Barriere.....	French.	153 ..	

OFFICERS.

Alf. Penn.....	Native.	President.
George A. Treset.....		Cashier.
G. L. Bright.....	Creole.	Attorney.
A. Durel.....	Creole.	Teller.
Frank Morris.....		Book-keeper.
J. W. Watson.....		Clerk.
Thomas Whitmen.....		Porter.
W. Shannon.....	Naturalized.	Notary.
John Dunlap.....	Native.	Watchman.

TABLEAU D—NUMBER VI.

MECHANICS' AND TRADERS' BANK.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
*U. H. Dudley.....	Native Conn.		
Charles Harispe.....	French.	90 firm.	
John Hall.....	Native Virginia.	75 own.	
James Niven.....		110 firm.	
Newton Richards.....		50 own.	
W. G. Robinson.....	Virginia.	148 ..	
*J. W. Stone.....			9,902 50
W. H. Vredenburg.....		100 ..	
Alexander Harris.....		65 ..	
*Not qualified.			

OFFICERS.

W. G. Robinson.....	Native Virginia.	President.
G. Crozat.....	Creole.	Cashier.
P. T. Songeron.....	Naturalized.	General Book-keeper.
A. Huard.....	Creole.	First Teller.
George Sulked.....	British.	Individual Book-keeper.
V. Carriere.....	Native	
J. J. Morin.....	Creole.	Porter.

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TABEAU D—NUMBER VII.

BANK OF NEW ORLEANS.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
Hu. Kennedy.....	Naturalized.	39 own.	
Fr. Williams.....		95 ..	
S. Turner.....	Native.	15 ..	
W. A. Johnson.....		50 ..	
J. J. Michie.....		50 ..	
George W. McCerren...		25 ..	
J. Morgan Hall.....		145 ..	
R. Geddes.....		50 ..	
O. K. Dunning.....		20 ..	

OFFICERS.

Hu. Kennedy.....	Naturalized.	President.
A. Duchiron.....		Cashier.
John Klein.....	Native.	Paying Teller.
F. Coquet.....	Creole.	Receiving Teller.
George Clammon.....	Naturalized.	Porter.
W. H. Gifney.....	English.	Runner.

TABEAU D—NUMBER VIII.

CITIZENS' BANK OF LOUISIANA.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
John G. Gaines.....	Native.	103 firm.	
Peter Marcy.....		31 own.	
Mortg. Stock Dep't	..	470 ..	
W. H. McLean.....		128 ..	
		50 firm.	
A. Chiapella.....			
Mort. Stock Dep't	Creole.	157 own.	
Placide Forstall.....		300 ..	
Dom. Lanata.....	Naturalized.	400 ..	

OFFICERS.

Eugene Rousseau.....	Naturalized.	Cashier.
C. W. Cammack.....	Native.	
J. L. Delery.....	Creole.	
H. C. Bertel.....		
Jules Belley.....		
Gustave Jumonville, Jr...		
Daniel Frederick.....	Naturalized.	
Ant. Bozonier.....	Creole.	
John Michelfeder.....	Naturalized.	
Jacob Burkhard.....		
Jules Dejan.....		

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TABLEAU D—NUMBER IX.

BANK OF LOUISIANA.

DIRECTORS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
Ambrose Lanfear.....	Naturalized.	33 own.	
L. F. Genere.....		80 ..	
H. Thomas, Jr.....	Native.	50 ..	
C. Cock		112 firm.	
P. Kasenave.....	Creole.	50 own.	
J. W. Burbridge.....	Native.	30 ..	
H. S. Buckner.....		100 ..	
A. Ledoux.....	Creole.	40 ..	
Geo. Ruleff.....	Naturalized.	83 ..	
C. A. Eager.....	Native.	53 ..	
S. Oviatt.....		50 ..	
Aug. R. Montgomery..		30 ..	
OFFICERS.			
Ambrose Lanfear.....	Naturalized.	President.	
Jno. F. Irvine.....		Act'g Cashier.	

TABLEAU D—NUMBER X.

CRESCENT CITY BANK—IN LIQUIDATION.

COMMISSIONERS.	CITIZENSHIP.	SHARES IN THEIR OWN OR FIRM NAME.	LIABILITY AS DRAWERS OR ENDORSERS.
J. P. Labouisse.....	Native.	360 own.	
J. Morgan Hall.....		228 ..	
W. C. Tompkins.....		25 ..	
OFFICERS.			
Chas. Faurie, Jr.....	Creole.	Act'g Cashier.	
L. A. Harang.....		Book-keeper.	
Wm. Rainy.....	Naturalized.	Watchman.	

TABLEAU D—NUMBER XI.

CONSOLIDATED ASSOCIATION OF THE PLANTERS OF LOUISIANA.

DIRECTORS.	CITIZENSHIP.	SHARES OF STOCK.	LIABILITY AS DRAWERS OR ENDORSERS.
H. Peychaud.....	Creole.		
Chas. Caffin.....		264	20,135 11
Jules Laverigne.....		90	21,029 69
Charles Derbigny.....		10	
Omer Gallard.....			2,300 00
B. Avegno.....	Now in France.		4,278 77
OFFICERS.			
H. Peychaud.....	Creole.	President.	
H. L. Peire.....		Cashier.	
A. Dejan.....		Clerk.	
Jules Laverigne.....		Attorney.	

LOANS NEW ORLEANS.

	New Orleans Canal Banking	Merchants' Bank.	Bank of America.	Total.
R. W. Estlin & Co.....	\$3,077,755 92	\$16,547 07		\$675,349 28
A. D. Kelly & Co.....	124,067 00	6,000 00		309,545 92
West. Renshaw & Cammack...	145,557 46			375,414 68
Hewitt, Norton & Co.....	94,750 00			111,500 00
Foley, Avery & Co.....	76,440 00			368,730 40
John Watt & Co.....	55,558 58			140,168 58
Fellowes & Co.....	31,558 00	21,387 12		737,948 63
Wright & Allen.....	55,340 50			226,604 53
Edward Nalle & Co.....	89,170 00			164,670 56
Coleman, Britten & Withers....	28,230 20	12,514 45		180,970 82
J. J. Person & Co.....	24,685 33			298,403 49
A. H. May & Co.....	21,300 00			67,790 48
McFarland & Barksdale.....	23,000 00			53,442 34
Payne, Huntington & Co.....	40,200 00			393,181 61
A. J. Rugely & Co.....	23,215 00			48,173 34
Thornhill & Co.....	22,334 12			84,068 23
J. W. Champlin & Co.....	16,691 63			56,686 15
W. & D. Urquhart.....	89,474 39			312,512 58
Rotchford, Brown & Co.....	17,390 23			175,066 62
S. O. Nelson & Co.....	6,347 90			249,830 88
Menard & Vignaud.....	9,212 46		1,550 00	281,862 91
Nixon & Co.....	6,661 09			161,006 45
R. Nugent & Co.....	3,426 70			127,241 02
Bellocq, Noblorn & Co.....	2,148 31			262,385 64
Giffen, Smedes & Co.....	2,920 86			96,586 73
Juan y de Egana.....	155,000 00			818,475 60
Bartley, Johnson & Co.....	2,129 50			91,101 94
Greene & Crump.....	6,700 00	78,482 82		229,245 37
Wm. Cox & Co.....	44,800 00			161,370 63
Byrne, Vance & Co.....	9,560 55		415 00	308,206 22
G. Connelly & Co.....	59,939 96			298,008 64
Farley, Jurev & Co.....				75,100 24
Toledano & Taylor.....	4,200 00			166,200 00
Lobit Charpentier & Co.....	23,500 00		10,810 00	102,810 00
Henderson & Peale.....				108,449 71
Scruggs, Donegan & Co.....	12,850 00			96,964 66
R. C. Cummings & Co.....	15,427 19	12,596 70		161,934 28
Gillis & Ferguson.....	41,720 80			111,865 23
J. W. Burbridge & Co.....	11,891 97			86,891 97
Hughes, Hyllested & Co.....	34,933 20			68,292 51
R. H. Montgomery.....				74,878 00
Martin, Cobb & Co.....	17,828 50			74,989 35
Battle, Noble & Co.....	34,800 00			98,457 18
Hilliard, Summers & Co.....	61,124 78			134,653 32
Wirt Adams.....		94,240 00		94,240 00
Total.....	\$1,182,225 209 11	\$236,718 16	\$12,075 00	\$8,697,264 63

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	Assets.	Scrip Outstanding.	Liabilities, direct and contingent.	Portion of Assets cons'd worthless, being Conf'd r'te Bonds, Notes, &c.	Stock Comp'ny Capital.
Louisiana Mutual Insurance Company.....	\$ 613,889 03	\$ 497,050 00	\$ 97,075 90	\$ 67,915 00	
Louisiana State Mutual Insurance Company...	233,343 53	65,340 00	8,844 82	10,250 00	
Merchants' Mutual Insurance Company.....	1,343,151 00	944,368 00	77,882 17	112,232 19	
New Orleans Mutual Insurance Company.....	485,843 86	340,240 00	25,629 20	174,828 00	
Home Mutual Insurance Company.....	1,206,602 97	1,100,708 35	32,047 10	283,815 67	
Star Mutual Insurance Company.....	171,517 34	37,420 00	5,617 01	12,215 00	
Union Insurance Company.....	498,416 53	150,310 00	11,260 87	71,467 00	
Crescent Mutual Insurance Company.....	1,042,422 83	989,686 00	38,598 10	404,528 50	
Citizens' Mutual Insurance Company.....	326,177 11	307,320 00	36,421 20	58,015 00	
Sun Mutual Insurance Company.....	1,158,732 41	982,050 00	94,554 24	174,382 25	
Hope Insurance Company.....	256,197 64		7,200 00	7,965 00	\$250,000 00
Total.....	\$7,336,294 25	\$5,414,492 35	\$ 435,130 61	\$1,377,613 61	\$250,000 00

NOTE.—The amount of Scrip issued is a contingent liability, upon which, however, an interest of six per cent. per annum has to be paid. The Scrip may be called in or curtailed by the Board of Directors or Trustees, whenever the capital of the Companies is reduced by losses. Some of the Companies are so weak that it would be prudent to curtail the payments of interest on the outstanding Scrip for some years to come.

APPENDIX. DOCUMENT F.

STATEMENT OF THE NEW ORLEANS SAVINGS INSTITUTION—MAY 7TH, 1864.

RESOURCES.

Loans on Bank Stock	\$112,594 63
DETAILS.	
Col. J. G. Bernard, (50 shares Crescent City Bank,)..	\$ 4,590 30
J. C. Barelli, (225 shares Crescent City Bank,).....	15,000 00
Fellowes & Co., { (190 shares Merchants' Bank,).. } { (113 shares La. State Bank,)..... } { (192 shares Union Bank,)..... }	52,564 32
John Wood & Co., (550 shares Merchants' Bank,)..	32,940 00
Geo. Binder, { (30 shares La. State Bank,)..... } { (28 shares Citizens' Bank,)..... }	7,500 00
Loans on Mortgage.....	37,977 68
DETAILS.	
Female Orphan Society, property on Poydras and Tchoupitoulas streets.....	\$25,000 00
M. A. Cresap, property on Chesnut and Prytanla sts.	1,794 00
J. Ross property on Tchoupitoulas street.....	4,953 83
M. O. Boisblanc, property on Rampart street.....	2,946 89
C. Cuillard's note, \$4,166 66 } Order or E. Rousseau, 3,278 77 } B. Avegno.....	3,282 96
Investments	70,688 00
\$25,000 New Orleans City Railroad Bonds.....	\$20,260 00
\$55,000 St. Charles Hotel Mortgage Bonds.....	50,428 00
Cash Items.....	6,242 77
Notes State of Louisiana—"Confederate.".....	\$ 890 00
Current City and other Notes.....	5,203 98
In Bank of Louisiana.....	148 79
Total Resources.....	<u>\$227,563 07</u>

LIABILITIES.

Amount due Depositors.....	\$221,075 73
Certificates, deposits outstanding.....	2,000 00
Circulation.....	38 00
Total Liabilities.....	<u>\$223,113 73</u>

APPENDIX C.

STATE AUDITOR'S REPORT.

STATE OF LOUISIANA, AUDITOR'S OFFICE, }
NEW ORLEANS, May 11, 1864. }

To the President and Members of the State Constitutional Convention :

In compliance with the resolution of your honorable body, "relative to the Auditor of Public Accounts," adopted on the 18th of April, 1864, I have the honor to submit the following report, showing as fully and minutely in detail as the books and papers in possession of this office enable me to do, the receipts and disbursements of public moneys during the administration of Brigadier General George F. Shepley, late Military Governor of the State of Louisiana.

Your resolution was not received at this office until the 4th instant, which is the reason of my not complying with it sooner.

On entering upon the duties of Auditor, on the 4th of March, 1864, the former Auditor, Mr. S. H. Torry, refused to transfer the books, vouchers, documents, &c., of the office to my possession, representing to me that he was acting under orders of the ex Military Governor, General Shepley ; but possession was subsequently taken without the General's consent. Mr. Torry's books exhibit the accounts of the State up to March 9th, consequently this report presents the financial condition of the State to that date.

Amount received by T. C. A. Dexter, late State Treasurer, from his predecessor in office, said amount being deposited in the Louisiana State Bank, in "Confederate" notes..... \$462,752 13

There being no information in this office as to what several funds this amount belongs, I have placed it to the account of "General Fund." (See Statement A.)

Total amount of receipts by the State during the term of office of S. H. Torry, former Auditor, as shown by his books..... 702,645 53

Total amount of disbursements during the same period..... 330,052 70

Leaving on March 9, 1864, a surplus in the treasury of current funds of..... 372,592 83

And of "Confederate" notes of..... 462,752 13

Making the total amount..... \$835,344 96

APPENDIX.

STATEMENT A.

Showing the various sources of revenue, and the funds to which the receipts were credited.

GENERAL FUND.

Confederate notes received from former Treasurer.....	\$462,752 13
Received as auction dues.....	57,516 31
Received as State Tax proper.....	246,038 03
Received as licenses on trades, etc.....	198,298 50
Received for redemption of lands.....	387 32
Received from other sources.....	3,810 14
Total.....	\$968,802 43

The \$3,810 14, mentioned above, was received as follows, viz: From Captain Norcross, for meat-plates furnished by the State to the Louisiana volunteers, and afterwards turned over to the United States Government, \$169 14.

From U. D. Terrebonne, scaler of weights and measures for the Second and Third Districts of New Orleans, for fines collected, \$39.

From Joseph Hernandez, former State Tax Collector for the Second District of New Orleans, amount refunded to the State for expenses of reorganizing the office of State Tax Collector of the Second District of New Orleans, in consequence of the destruction of the records of the office, \$454.

From Moses Bates, Financial Agent, State Penitentiary, a draft endorsed by Gen. B. F. Butler and Gen. Shepley, in favor of T. C. A. Dexter, Treasurer, \$3,148.

SCHOOL FUND.

Received as mill tax.....	\$147,609 89
Received as poll tax.....	11,995 00
Total.....	\$159,604 89

INTERNAL IMPROVEMENT FUND.

Received as Internal Improvement Tax.....	\$ 36,990 34
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STATEMENT B.

Showing the disbursements from the Treasury during the term of office of S. H. Torrey, from Auditor, as exhibited by his books and vouchers.

FROM THE GENERAL FUND.

As salaries in Executive Department.....	\$ 6,816 66
As contingent expenses of Executive Department.....	7,500 00
As office expenses.....	2,478 55
Amount carried forward.....	\$16,795 21

APPENDIX.

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Amount brought forward.....	\$ 16,795 31
As general contingent expenses.....	3,699 29
As salaries in Auditor's office.....	8,811 66
As salaries in Treasurer's office.....	6,501 27
As Salaries of Judges.....	43,127 73
As salaries of State Attorneys.....	3,063 94
As salaries of Clerks of Courts.....	964 00
As expenses of State Library.....	1,985 00
As commissions to Tax Collectors.....	39,171 47
As compensation of Assessors.....	19,677 86
As expenses of State Penitentiary.....	14,249 29
For different Charitable Institutions.....	24,539 98
For Louisiana Volunteers.....	1,069 88
For printing and advertising.....	6,358 40
For registry of voters.....	2,724 00
For expenses of elections.....	3,176 50
For State coupons.....	48,510 00
To Capt. Hawes, A. Q. M., U. S. A.....	2,693 80
Total Disbursements from General Fund.....	\$247,120 18

FROM THE SCHOOL FUND.

To City of New Orleans for the Public Schools.....	\$ 78,870 57
To City of New Orleans for the Schools of Free Colored Children, by order of Gov. Shepley.....	1,000 00
To the Parish of Jefferson.....	3,061 95
Total disbursements from School Fund.....	\$82,932 52

FROM THE INTERNAL IMPROVEMENT FUND.

(There has been no disbursements.)

It may be proper for me to observe that in regard to certain payments out of the State Treasury during the administration of the late Military Governor, much irregularity seems to have existed. Warrants have been drawn on the Treasury, and public moneys paid on account of salaries and services never actually earned or performed.

As an instance of this kind, I would call attention to the fact that three warrants, numbered 75, 167 and 271, were drawn by the late Auditor on the Treasurer, each of such warrants purporting on its face to have been drawn for the salary of one William B. Lowe, as clerk in the office of the said Auditor, from October 1st, 1862, to March 9th, 1864, amounting in all to the sum of \$2,883 33, and which sum was paid out of the State Treasury. I am informed by testimony that I deem reliable, that said William B. Lowe was not at any time employed as clerk in the office of the Auditor, therefore the charge for such services as above mentioned, is unjust and illegal.

It appears also by warrant No. 4, that the Hon. R. K. Howell was allowed to draw salary from the State Treasury, as Judge of the Sixth District Court, from the first of April, 1862, which was twenty-six days before the arrival of the United States forces, and seventy-one days before the promulgation by General Butler, commanding the Department, of General Orders No. 41, by which the Judge could have restored his status as a *loyal citizen*. So much of his salary as was paid for services rendered prior to that order was paid to a public judicial officer of a government in rebellion to the United States.

A similar instance to this is the payment to the Hon. A. M. Buchanan of the sum of \$3,750 for salary as Associate Justice of the Supreme Court, from July 1st, 1862, to March 31st, 1863. Judge Buchanan was a member of the Supreme Court of Louisiana previous to the secession of the State.

In my opinion, rebellion had *terminated the existence* of that court, and it had to be reorganized under appointments made by loyal military power, or by an election by the loyal people, before it could again exist.

Judge Buchanan did not draw his salary accruing previous to July 1st, 1862. If he was legally entitled to draw salary subsequent to that date, he was also entitled to his arrears of salary prior to that date.

The Hon. Charles A. Peabody was appointed by Gen. Shepley, late Military Governor, to the office of Chief Justice of the Supreme Court. At the time of, and ever since the appointment, Judge Peabody was holding an office (that of Provisional Judge of the U. S. District Court) under the Federal Government, and so, according to the Provision of the Constitution of Louisiana, (Article 99,) he was ineligible to the appointment in question. Other persons were appointed by the late Military Governor as Associate Justices, who declined to accept, so that no Supreme Court was organized and no judicial services were or could have been rendered by Judge Peabody as a State Judge. Notwithstanding these facts, he was permitted by the late Auditor to draw from the State Treasury, on account of salary, and for which the State had received no equivalent, the sum of \$3,541 66.

It appears also from warrants on file in this office, that the sum of \$2,500 was drawn three several times, making \$7,500, in favor of the late Military Governor, purporting to be for "contingent expenses of the Executive Department," for which there are no vouchers of the details, or items of that expenditure, as required by law; but vouchers are on file for bills of contingent expenses of the Governor's office, which bills are charged to the account of "office expenses," which account appears to contain the legitimate contingent expenses of the several departments of State.

Several thousand dollars were also drawn during the same period, as salaries of several gentlemen as officers of the State, who were at the same time commissioned officers of the United States Army, and receiving pay in both capacities.

The account of \$2,698 80 paid to Capt. Hawes, A. Q. M., U. S. A., was

in reimbursement of money collected by the former Auditor of George E. Tyler, as auction duty on certain sales made by him of United States property, which property, by the law of this State, was exempt from duty.

The money was returned to the United States Government by order of Gov. Shepley.

The returns made to this office by J. M. Serpas, Sheriff and Tax Collector for the parish of St. Bernard, show that he has still in his hands the sum of \$2,421 24 in Confederate notes, received by him in payment of taxes of the year 1861, previous to the occupation of the State by the Federal authorities.

I await the direction of competent authority to decide what disposition shall be made of these notes, and whether or not Mr. Serpas, having received them in payment of taxes when the State was in rebellion, and they were by the rebel laws legal tender, shall be relieved of so much of his liability to the State.

Respectfully submitted,

A. P. DOSTIE, Auditor.

APPENDIX.

LIST OF NOTARIES PUBLIC

WHO HAVE FILED THEIR BONDS IN THE AUDITOR'S OFFICE, ACCORDING TO LAW.

A. Mendiverri, of Orleans Parish.

Abel Dryfus,	"	"
William Shannon,	"	"
Andrew Hero,	"	"
Alphonse Barnett,	"	"
Joseph, Cavillier,	"	"

WHO HAVE NOT FILED THEIR BONDS.

E. G. Gottschalk, of Orleans Parish.

J. M. Day,	"	"
W. G. Latham,	"	"
Leon Langrin,	"	"
J. R. Borgstede,	"	"
Selim Wagner,	"	"
D. L. Mudge,	"	"
L. W. Pineilli,	"	"
J. V. Bogert,	"	"
A. C. Waugh,	"	"
Felix McCulloch,	"	"
John Cragg,	"	"
J. F. Coffee,	"	"
John Touro,	"	"
C. W. Seaton,	"	"
Hugh Madden,	"	"
J. F. Lowell,	"	"
W. W. Terry, of Jefferson Parish.		
Justin Hotard,	"	"

SHES IN THE STATE OF LOUISIANA, IN THE YEAR 1860.

	LANDS CULTIVATED.			POPULATION.			Educable Youths.
	Cotton.	Corn.	Rice.	White.	Colored.		
					Free.	Slave.	
Ass...	970	474	16,331	3,639	286	7,218	1,364
Ass...	644	896	26,064	6,869	82	7,656	1,942
Av...	580	23,462	19,983	5,496	127	6,913	1,457
Bier...		30,023	32,574	5,208	3	4,444	1,666
Bos...		50,535	29,673	3,646	11	8,752	1,062
Cad...		47,778	29,214	4,073	44	7,657	1,347
Cal...	136	843	7,806	3,457	363	1,048	1,122
Cal...		10,832	8,305	2,600		2,078	840
Car...		85,806	26,241	3,031	5	12,506	898
Cats...		33,410	17,505	4,851	47	6,277	1,587
Clai...		1,378	40,011	9,261	6	7,227	2,726
Con...		66,266	18,347	1,384	11	11,843	343
DeS...		38,560	29,600	4,459	29	8,489	1,386
Eas...	525	14,800	18,792	6,831	429	8,444	1,599
Eas...	600	46,349	36,393	3,913	46	10,335	955
Fra...		14,471	8,753			2,808	
Iber...	765	1,568	27,949	5,538	205	10,090	1,899
Jacl...		28,329	18,471	5,220	1	3,739	1,540
Jeff...				9,012	466	4,239	3,118
Lafr...	150	17,397	16,198	4,143	249	4,226	1,110
Lafr...	701		13,979	7,372	135	6,261	2,181
Livi...	109	1,602	2,358	3,998	7	1,390	1,305
Mac...		74,491	24,877	1,263		11,897	270
Mac...		26,183	15,607	3,620	14	6,198	957
Nat...		45,371	23,313	5,185	775	9,492	2,118
Oua...		23,376	15,316	3,215	32	4,696	797
Orle...				4,621	695		1,282
d				1,505	286	1,296	
d				16,787		1,803	
d				24,464		1,502	
d				6,388	951	962	
d				7,758	1,182	1,381	
d				7,330	969	1,222	40,050
d				7,171	2,983	627	
d				6,734	726	256	
d				6,576	168	600	
d				17,491	349	1,551	
Pla...	338	50	8,139	5,595	695	4,953	728
Poir...	188	31,304	21,980	3,659	742	11,958	800
Rap...	460	37,827	31,731	7,242	234	14,339	2,695
Sabl...		9,218	11,447	3,685		1,670	1,239
St. J...	866	20	3,190	1,478	63	1,886	469
St. J...				2,777	320	4,119	705
St. J...	2,415		8,946	883	129	3,780	379
St. J...				11,969	1,596	12,558	4,439
St. J...	7,703		22,093	4,021	513	12,223	1,127
St. J...	8,662	8,200	15,098	6,399	815	7,851	2,158
St. J...	3,809		18,362	3,426	119	8,023	1,805
St. J...						1,981	903
St. J...		11,619	12,307	3,208	8	3,115	968
St. J...	6,210	201	15,210	4,499	146	6,143	1,492
Ten...		88,847	24,478	1,255	7	13,781	290
Uni...		33,112	32,858	7,191	5	3,791	1,998
Ver...	654	3,123	6,525	3,210	19	1,360	920
Was...		7,192	11,396	2,910	10	1,605	933
Wes...	8,307	37,047	20,756	1,985	68	9,566	501
Wes...	6,139	1,518	11,850	1,900	148	4,977	625
Win...		6,722	9,378	4,314	37	1,324	1,686
	6,928	959,188	799,858	3,156	305,620	318,422	103,732

REPORT
OF
THE STATE SUPERINTENDENT
OF
PUBLIC EDUCATION.

To the Honorable the Members of the General Assembly of the State of Louisiana:

GENTLEMEN—In obedience to the requirements of the 28th section of the "Act to organize Free Public Schools in the State of Louisiana," I have the honor to submit the following Report,*containing :

1. A general statement of the condition of the Free Public Schools of the State, with some account of the working of the system.
2. The Report of the Superintendent of the Public Schools in the City of New Orleans. (APPENDIX A.)
3. The Report of the Commission appointed by Maj. Gen. Banks on the private Schools and Seminaries in New Orleans. (APPENDIX B.)
4. The Report of the "Board of Education for Freedmen," organized under General Order No. 33, on the Schools for the colored children and adults of the city and State. (APPENDIX C.)

In complying with the demands of the law, it will be necessary for the present incumbent to notice somewhat the condition of our State affairs when he came into office.

The existing State Government was organized on the 4th of March of the present year (1864). The late State officers having embarked in the rebellion, by consenting to a declaration that their connection with the United States Government had ceased to exist, the consequence was that when the United States forces took possession of the city of New Orleans and adjoining parishes, in May, 1862, they all decamped, my predecessor taking with

him the records of this office. Hence it has been with considerable difficulty that I have been able to find the necessary data by which to conduct the ordinary business of the office, and from which to make up my annual report to your honorable body; and this, with the fact that I have received no school reports from the parishes, must be my excuse for the meagre details, and deficiency of statistics, contained in this paper. Still, there are various and important matters connected with our Public School system on which I may with propriety make a few remarks.

In giving some account of the Public Schools of our State, as we find them at the present time, it will be necessary and proper for me to take, very briefly, a retrospective view of common school education of the State for some years past, in order to be able, if possible, to explain some otherwise inexplicable facts that now force themselves on our attention, in connection with these schools, and thus endeavor to find a remedy for existing evils by tracing them to their source.

SOME ACCOUNT OF PUBLIC EDUCATION HERE IN EARLY TIMES.

In 1804, sixty years ago, while this valley was a territory, but just purchased from France, Governor Claiborne, in his message to the Colonial Council, holds the following patriotic and liberal language: "In advertent to your primary duties, I have yet to suggest one, than which none can be more important or interesting. I mean some general provision for the education of youth. If we revere science for our own sake, or for the innumerable benefits she confers upon society; if we love our children, and cherish the laudable ambition of being respected by posterity, *let not this great duty be overlooked.* Permit me to hope, then, that under your patronage, seminaries of learning will prosper, and the means of acquiring information be placed within the reach of each growing family. Under a free government, every citizen has a country, because he partakes of the sovereignty, and may fill the highest offices. Free America will always present flattering prospects for talent and merit. Let exertions, then, be made to rear up our children in the paths of science and virtue, and to impress upon their tender hearts a love of civil and religious liberty. * * My advice, therefore, is, *that your system be extensive and liberally supported.*"

These are noble words, and the suggestions are those of a wise and far-seeing statesman; and from their being so early urged upon the Legislative Councils of Louisiana, we might feel well assured that she was safe so far as general education was concerned. In accordance with these recommendations, the University of Orleans was founded, then the College of Orleans; and academies also were to be established as speedily as possible in each county of the then Territory. But with all these efforts, in 1809 the subject of public education was thus alluded to by the Governor:

"A source of regret to all men of information, and all good citizens, is the *abandonment* with which public education has continued to be left hitherto,

notwithstanding the laudable efforts which have been made from time to time to organize it. * * * The public money cannot be employed to better purposes than to lay the foundation of so indispensable an establishment."

The Committee of Ways and Means of the House of Representatives, of 1818, speaks in the following desponding strain of the condition of public schools at that time :

"The very honorable, liberal and laudable exertions of former Legislatures to raise, in the good people of this State, a spirit of education, and to disseminate useful knowledge, have not produced so desirable an end. Your Committee find that some of the counties have not drawn the money appropriated by the Legislature to establish public schools. * * * It is with painful remembrance that your Committee have further to state, that when the whole appropriations have been drawn by some counties, the benefits which ought to have resulted, have not ; nay, it is not only useless, but considered as creating impediments to the education of youth."

GOVERNOR ROBERTSON GIVES HIS VIEWS.

In 1823, Gov. Robertson, in his annual message, holds the following statesman-like views :

* * "When we reflect that the preservation of republican government depends on the diffusion of information, and the knowledge that the citizens possess of their rights and their duties, surely it will be admitted that no subject so eminently requires attention, or so well repays the expense it occasions. Ignorance is the soft pillow on which knavery reclines and fattens. The man of talents and cunning is, with respect to the illiterate and credulous, a champion equipped at all points for the attack of the naked and unarmed ; their property, their service, their life, are his. It may be doubted whether a common ignorance be not preferable to a partial intellectual improvement. At all events, it is clear that, in the transactions of society, a want of equality in the contracting parties must be productive of fraud and injustice. Countries that boast of their universities, like most of those in Europe, and are destitute of primary schools, may also exhibit their palaces, and a land covered with miserable hovels ; they are, indeed, cause and effect ; and the poverty and wretchedness that exist are as attributable to the monopolized science of the one, as to the luxury of the other. Let us, then, begin at the beginning ; provide for the education of those who are too poor to purchase it for themselves ; establish numerous schools throughout the land ; they will as certainly create, or be accompanied by, facilities for attaining the higher branches of science, as that a general diffusion of wealth has a tendency to improve and beautify the face of the country."

How sound are the views and how clear the convictions of these gentlemen ; and with what earnestness they urge them upon the attention of their Legislatures. Surely, great good must come of so much anxious care bestowed upon the subject of public education. However, we shall see.

GOVERNOR ROMAN PLEADS FOR PUBLIC EDUCATION, AND SHOWS WHAT KIND WAS MEANT.

In the following important extracts which I take from Gov. A. B. Roman's message to the Legislature of 1831, we shall, I think, begin to see and understand the whole secret of the discouraging failures, which, up to that period,

and, in fact, ever since, have attended the efforts of our legislators, in introducing, successfully, according to their plan, a system of public schools in the State of Louisiana. He says: "Your attention has been asked to public education. If there be a duty for the performance of which our own advantage requires us to unite all our energies, it is, undoubtedly, that of putting public instruction within the reach of every citizen. It is the positive obligation of those who govern them to put them in such a situation as to enable them to know and to exercise their privileges. The man who can neither read nor write, so far from enjoying his political rights to their full extent, is sometimes prevented from exercising the one on which the others depend; he is so completely dependent on those by whom he is surrounded, that the vote he thinks to have given to the citizen who has obtained his confidence, is often diverted in favor of another of whom he had never thought. It is to this elementary education, which can be extended to every citizen, whatever may be his condition in life, that our views should be chiefly directed. Louisiana will never reach the station to which she is entitled among her sister States, until none of her electors shall need the aid of his neighbor to prepare his ballot."

"We have a great number of statutes concerning public education; but we must admit none of them have, as yet, attained the end proposed. Our primary schools, the object of which was the diffusion of knowledge among the poorer classes of society, have nowhere answered our expectations; and we possess no institution for the higher branches of literature, to which a father, with any hope of success, can trust the instruction of his children. We must not permit ourselves to be left behind in everything by our sister States; we ought to exert ourselves to support the reputation of Louisiana. Those exertions must necessarily be in proportion to our means. We cannot, like the State of New York, appropriate millions for education, but we must, at least, do all that our situation will admit. If the want of common education is so much felt among us, it cannot be attributed to the poverty of the State: it is rather because a good and orderly plan has not, as yet, been adopted. To remedy this evil we must, probably, think less of making large appropriations, than of employing more usefully those which have already been made.

"Twelve years have passed since the enactment of our first law on public schools; such a lapse of time is undoubtedly long enough to enable us to judge of the result of the present system. It has had a fair trial. From the books of the Treasurer it appears that \$354,012, since 1818, have been appropriated and paid out of the public funds for the use of public schools, and it is doubtful whether three hundred and fifty-four indigent children have derived from those schools the advantages which the Legislature wished to extend to that class throughout the State. It is useless to add anything to show that this system is bad and ought to be abandoned."

Exactly. We think so too. The whole secret is now out. All this parade of legislation and appropriation—all this expenditure of mock patriotism by Legislatures, in the matter of public education, was for the poor, the "indigent children" of the State. And now we shall see how this quasi charity was received by free born Americans.

The Governor goes on to say: "In some of our parishes, the poorer

class of parents, although in a neighborhood of a school, refuse to send their children because it is *repugnant* to their feelings to have them educated gratuitously. They suppose that by accepting such an education for them they reduce them to the miserable situation of those who are forced to depend on alms for a living."

MORE TESTIMONY TO THE SAME POINT.

From the report of a committee made to the Legislature of 1832, on the subject of public education in the State, we extract the following :

"In conformity to a resolution of the House of Representatives, I have endeavored to procure all the necessary information upon the situation of our primary schools, and upon the best systems of education adopted in the other States of the Union, to enable you to judge of the modifications which might be suitably made in our laws upon public instruction. All the information that I have been able to obtain from the different parishes, shall be submitted to you. It is far from being as complete as I could have desired, but it will serve to obviate, in some degree, the *culpable negligence* of those who are charged by law to transmit to you their reports upon the state of our Public Schools, and who have *so seldom acquitted themselves of this duty*.

"The reports received from some parishes offer some satisfactory results, and prove, at least, that the sums allowed with so much liberality by the State, are not everywhere employed without profit. It is with regret that I must add, that these parishes form but exceptions, and that the situation of schools in the greater part of the others, demonstrate the inefficacy of the laws hitherto adopted for the education of *indigent children*.

Having communicated to the Legislature, at one of its last sessions, my views upon our system of public instruction, and my opinions having since experienced no change, I will add nothing to my observations upon this subject. Suffice it to say, that I still consider as one of the principal causes of the very partial success in our primary schools, the *invincible repugnance* felt by most parents to have their children educated entirely at the expense of the State. They cannot decide to send their sons into schools where they are exposed to be regarded as objects of public charity, and as forming an *inferior class*, distinct from that where those are placed whose education is paid for.

"This feeling of national pride, which must necessarily exist among free-men, has, up to the present time, rendered ineffectual all laws which have been adopted in those States where they have been devised to provide for the instruction of the indigent class, by admitting them, at the public expense, into schools kept for the children of the more opulent ranks. Legislators have been forced to have recourse to other means to arrive at the end sought. In all countries and states where the education of youth is cultivated with most care, they have renounced this plan for the purpose of substituting schools entirely free ; where the sons of the poor and of the rich man are alike admitted, without any other distinction than that which depends upon themselves to establish by their application and their talents."

THE PLAN DID NOT WORK WELL.

From the above extracts, it will be seen that the sole purpose of the system of public schools, as organized and for so many years conducted in Louisiana, was to educate the "indigent children" of the State as a separate

class. But the parents of these, feeling the honest pride of free born Americans, who acknowledge no superiority but that which God gives, very naturally rebelled against such an arrangement, and kept their children, for the most part, at home. They felt an "*unconquerable repugnance*" to have their sons and daughters educated at the public expense, while the wealthy planter kept aloof and made quite different provisions for the education of his children. The whole plan was admirably adapted to hurt the feelings of the poor and pamper the pride of the rich—the slaveholders. They, we have no doubt, were quite satisfied with the working of a system, the full ripe fruits of which will be more clearly illustrated further on in this report. Ignorant and intemperate men were deemed to be fully competent to carry out their plan of educating the poor whites unfortunately located among them.

We trust the present General Assembly will change all this; and as slavery is gone, let her entire progeny of mischiefs and evils go with the "*institution*." And let our legislators now give the people clearly to understand, that the public schools are *for all alike*, and discourage every attempt at maintaining, by any system of education, a shallow and anti-republican aristocracy among us.

As for public education in the city of New Orleans, we are happy to be able to say, the case is quite different from what it is in the rural districts. By an act of the Legislature, passed in 1841, the city was fully empowered to attend to the education of her own children, and nobly has she done it. She makes her schools absolutely free; and consequently, in them the rich and poor enter alike and fare alike. The daughter born to wealth, sits on the same form with the child of poverty; and the son of a poor washerwoman, very likely outranks in his class-room reputation, the son of a banker. This is as it should be in a true and enlightened republic. The people of New Orleans may well feel proud of their excellent public schools, and deeply grateful to those worthy gentlemen who planned and for so many years administered them. Some of them "*rest from their labors, but their works do follow them*."

It would be very interesting to go into an examination of statistics and details of the public school operations of this State now, as compared with what they were in years past, and report the result to your honorable body. With proper and reliable material at hand it would be a profitable labor, and undoubtedly would result in revealing some things encouraging, while others might discourage. But from what I have seen, I confess I do not deem our school statistics, as reported to this office, sufficiently accurate to furnish trustworthy data on which to base conclusions or work out comparisons. We hope for better in future.

SCHOOL MONEYS APPORTIONED.

Since entering upon the duties of this office, I have apportioned, of public school moneys, the sum of \$102,327 55, paid out for teachers' salaries.

THE CONDITION OF THE STATE FREE SCHOOL FUND.

By the law above referred to it is made my duty to report plans for the improvement of the Free School Fund of the State. At present I do not see any means of improving these. But it is very desirable, if possible, to save the accumulations of past years, arising from the sales of school lands, generously donated by the Congress of the United States to Louisiana, for the purpose of securing a common school education, to every child of the State. These accumulations were, on the first of January, 1862, represented by one thousand two hundred and eleven (1211) State bonds, amounting to the sum of one million one hundred and ninety three thousand and five hundred dollars, (\$1,193,500,) besides a large indebtedness for school lands sold, I presume, still due. The interest on this sum of money, at six per cent per annum, was by law appropriated to aid in defraying the expenses of the public schools in the several towns, in which the lands sold were located, and as the bonds have been carried off by the rebel State officers, both principal and interest seem to be in danger of being lost to the purposes for which it was set apart as a sacred trust, viz: the education of the children of the State. I would very respectfully invite the attention of the General Assembly to this subject.

SCHOOL LANDS.

Also, I would respectfully suggest that some measures be adopted to ascertain, as far as may be possible, the condition and amount of our school lands remaining unsold, and to see that they are not lost to the State; also, that the parish surveyors be by law required to look after these lands, and hereafter report upon them annually.

VARIOUS MATTERS ON WHICH REPORTS SHOULD BE MADE.

It would be very gratifying to the Superintendent of Public Education to be able to report to your honorable body, carefully collected facts and details respecting the number of schools and schoolable children in the different parishes of the State—the number attending school, with the number of school-houses erected during the past year, and their cost; and the average time the schools have been kept open; also, the amount paid for tuition, with the sources whence the different items of school moneys have been derived, all of which the law requires; but these are details which, if not collected and reported by the local directors of the districts and forwarded by the parish treasurers, it is impossible for this office to present them to the General Assembly. And as I have not received any reports from the district and parish officers, embracing these facts, I have none to transmit to your honorable body.

CIRCULARS ISSUED, MAKING CERTAIN ENQUIRIES AS TO THE CONDITION OF THE FREE PUBLIC SCHOOLS OF THE STATE.

Soon after I entered upon the duties of this office, I issued a circular to various gentlemen interested in the subject of education, living in different parishes, in which I made several inquiries respecting the public schools in their districts, one of which asked for the number of these kept open in the parish during the past year. The answers usually were, that in most of the districts the schools had been closed since the war commenced. From the answers thus obtained, and from other information received from various sources, I have to report that the public schools in the rural parishes have generally been closed during the past two or three years.

USUAL CONDITION OF THE PUBLIC SCHOOLS.

Various causes have operated to lower the grade and diminish the usefulness of these schools, as heretofore conducted; the first and most prominent of which seems to have been in some way or other connected with the action, or rather with the want of action, of the local district directors. I see, not only by the reports made by my predecessors in office, but also by answers given to my own circulars before referred to, that these men have frequently been culpably careless and remiss in the performance of their official duties; first, in regard to their employment of improper persons for teachers, frequently employing such as disgraced the profession by their immorality or incompetency; second, by not exercising a proper oversight of the school, after having employed the teachers; and third, in not making the proper reports respecting their official acts in managing them, as by law they are required to do; and thus their neglecting to perform very plain and reasonable official duties, has resulted in keeping the affairs of our public schools in the rural districts in great confusion, and, to a large extent, also has deprived the youth of our State of the great benefits proposed in our excellent legislative enactments organizing the system.

In proof of the official neglect and carelessness of these district directors in the country parishes, and also to make known to your honorable body some of the evils to be remedied, and the work to be done in our State in the cause of public education, I beg leave to transcribe a few of the answers given to the questions contained in the circulars I issued—before alluded to.

DIRECTORS EMPLOYING IMPROPER TEACHERS.

First. In regard to their employment of improper teachers.

Question Sixth of my Circular. *What is the general standing of the Public School Teachers of your Parish, as regards moral character and literary attainments?*

Answer. "A most shameful carelessness has been allowed in the country

in respect to teachers, some of whom were actual *confirmed drunkards*, of *dissolute morals*, and some of them have kept school for four and five years in the same parish, notwithstanding. Nothing but ignorance or criminal indifference could have tolerated such corrupt and disgraceful proceedings."

Answer from a gentleman, in another parish, to the same question :

"Generally, they are *immoral*, and have *dissolute manners*. Too many are nothing but gamblers of drunkards—incapable beings. They are not religious enough. To such evils the best remedies must be soon applied."

From another, still :

"They possess neither the moral nor literary qualifications, which, in my opinion, should be the essential qualities of teachers."

DUTIES NOT PERFORMED BY DIRECTORS.

Further : in regard to the Directors.

Fifth question. "*Do the School Directors perform the duties of their office faithfully?*"

Answer. "The Directors, in general, do not perform their duties as faithfully as might be expected. They do not show that interest and zeal, which a subject so important requires ; most of them are lukewarm, not to say indifferent."

Answer to the same, from another parish :

"Generally speaking, they did not, and could not, because, being scarcely able to read and write, they were mastered by influences and imposed upon by parties interested in the contempt of public schools * * the slaveholders,—their interest being to keep the people in ignorance, so as to be able to control them at all times."

Another answer :

"Never! They are generally unable and unwilling to do it."

And still another :

" * * Very scarcely, not to say more—they were generally incapable," &c., &c.

These, and the like answers, might be continued much further, but I think I have given enough.

PUBLIC AND PRIVATE SCHOOLS COMPARED.

Another question :

"*How do the Free Public Schools seem to rank in the estimation of the people compared with the private, and if one or the other has the preference, what do you think is the cause of it?*"

Answer. "The free public schools have always been more in favor with the masses of the people than private schools. The reason is, that the generality of the people being taxed for the support of the free public

schools did not care to employ private teachers, though able to do so. They had also a kind of apathy or carelessness to whatever had reference to education."

Answer from another. "The most part of the inhabitants in the country parishes have always been indifferent as to education, being themselves very ignorant. In my opinion, the system of public education, attended to by competent directors and teachers, is the best. The population generally are poor, and free education is more convenient for them than any other system; but the best care and a strict police, as well as a severe discipline, must secure the abilities of good teachers, and the prompt attendance of pupils at the different schools."

Another answer to the same. "Beyond a doubt, if the public schools had been kept regularly, and by competent teachers, the mass of the population prefer that system to the other; but under the system where no encouragement was given to competent teachers, the free public schools, mostly left in *immoral* and *incompetent* hands, fell into disrepute. But a good and efficient system of free public schools would be most gladly and thankfully received by the people."

Still another. "The private schools seem to have had the preference heretofore, and will continue to have it, in my opinion, if appropriations are ever made for the support of them. There is a distinction existing between the rich and the poor, and private schools will tend to keep it up. The rich will not send their children to the same school with the poor, therefore if they wish for private schools let them pay for them."

Again. "Private schools were by much preferable. First, because they were provided with much better teachers, their salary being better; second, because they never had more pupils than they could manage, which was quite the contrary with public schools; and third, because the parents who engaged these private teachers were generally the best educated part of the people."

Again. "The free schools rank much lower than the private. I think the cause is that the wealthy take no interest in the free public schools, preferring to send their children to private schools or employ teachers in their families."

And again: "Public schools would rank first, if the teachers were capable and *sober*."

But here I must stop on this part of the subject. The foregoing answers plainly show what is wanted to give our public schools the rank they ought to have in the estimation of the people, and to accomplish the great good intended in their organization by the State.

DIFFICULTIES ENCOUNTERED BY THE PUBLIC SCHOOLS.

Another inquiry I made was the following:

What, in your opinion, are the principal difficulties that the present system of

public education encounters in the country parishes, and how do you think they may be removed?

To which I received, among many others of a similar import, the following answers :

First. "The greatest difficulty encountered in the present system of public education, is the want of funds, and also of qualified teachers. I would recommend, therefore, that liberal appropriations should be made to meet the wants of the free public schools, giving good salaries, and then you will have competent teachers. Another obstacle almost insurmountable in the country parishes, is that the inhabitants of some districts live so far apart that it is very difficult to assemble together a sufficient number of children to form a school." * * "Moreover, there is a thorough unconcern toward the education of youth. Many rich farmers, on being asked the reason for not sending their children to school, would answer that the greatest criminals in the world were men of refined education, and they were afraid that in giving learning to their children *they should become scoundrels also!* Others would say that they themselves had got along very well without learning, and *their children could do the same,*" etc., etc.

Again. Answer to the same, from a different party : "Before the war, public education was very defective, for many reasons—First, rich people were accustomed to send their children to the best colleges and academies in the North and West. Then the free schools were for the poor classes only. The education was insufficient, and in no way republican. Members of the Legislature, composed of rich men only, always made laws, *in order to prevent the light to spread over the poor.* The funds for the schools were few and badly appropriated. Teachers were not carefully chosen, or, if good, were not remunerated enough. Parents and pupils were indolent and indifferent, and kept in such a state by the rich, who knew their apathetic character, and are opposed to their education, *fearing to lose their influence and despotism over them!*"

Answer from another : "Here we have two answers to make—first, the rich planters being interested to preserve their authority or dominion over the poor in order that they could use him as a machine, not only *opposed the system,* and tried to *destroy* it, but often-times *appointed for directors* of public schools men unable and incapable to fulfill the duties of the office, and sometimes men truly ignorant, as teachers. Second, the teachers were ordinarily very badly paid," etc., etc.

Again : "The principal difficulties are, the want of sufficient funds, and a proper care in the selection of teachers. These might be removed by increasing the funds, and employing intelligent school directors, instead of ignorant ones, as has too often been the case. It would also, I think, be necessary to establish laws compelling parents to send their children regularly to school."

Still another answer, and from a different parish : "The system of education is good. But the difficulty is with the people. The majority of our citizens is creole, and they being mostly uneducated, do not feel the necessity of an education, as they ought to, and for this reason interfere with the course of instruction by not sending their children regularly. And the directors are sometimes men of very little education, and therefore neglect to investigate the real capacity and character of teachers. *We have often had very intemperate men teaching in our schools.* The directors should be men of education, and the teachers should be educated and sober men," etc., etc.

And again : "The difficulties of the public system of education, were for the most part owing to bad management : First, the directors were mostly ignorant. Second, the teachers were often immoral and incompetent. Third, the wages of teachers were not paid in due time, * * * and were not sufficient to induce good and practical teachers to devote their energies to the task. Fourth, the school houses are wanting or badly located. Therefore, in my opinion, a good competent *school superintendent ought to be appointed in every parish*, whose duty it would be to visit each school in every district at least four times a year, and to ascertain the progress made by the pupils, and to cause the directors and teachers to do their duty."

Still another : "An indifference to education prevails generally: Incompetent persons are elected school directors in the different districts. They have, in most cases, some friend or relative, who, for the sake of employment, (*regardless of qualifications,*) is appointed teacher ; no one pays any attention to the progress of the children, or sees whether the teacher does his duty, and thus the matter is conducted from year to year."

And finally, on this subject, one gentleman enumerates the difficulties that the public schools encounter in the parishes and their remedies, as follows :

"First, the worthlessness of most teachers. Second, the bad location of the school houses, which are not placed in the centre of the district. Third, the ignorance of parents and school directors. These difficulties may be removed by appointing good school directors, who will select good teachers, without regard to friendship or parentage, and who will have the school house located in the proper place."

OTHER WITNESSES TESTIFYING THE SAME.

And now, to show that the reports which I have received and in part quoted, do not represent exceptional cases, which might possibly by some be attributed to the unusual and distracted times at present passing before us, but are such as show a tolerably fair average of the condition and working of the educational system of our State for years past, *under the withering and blighting influence of slavery*, I will here present a few extracts from reports made by my predecessors in office to the General Assembly of this State.

FROM THE SUPERINTENDENT'S REPORT OF 1855.

"The treasurer* of the parish of ——— reports the character and condition of schools and the qualifications of teachers, as "*good, bad and indifferent.*" There are twenty-seven schools in the parish. The cause of the schools not being in a more flourishing condition is attributed to the indifference and "penuriousness of the directors," who, if they can employ an ignorant teacher at the lowest price, think they have accomplished their whole duty, and made, withal, a splendid speculation, while competent and worthy teachers are set aside."

From the same report: "The condition of the public schools in the parish of ——— is far from being good, owing in some measure to the fact that a majority of the school directors and teachers are not properly qualified to discharge their duties, and but few of them try to learn what their duties are."

Another still from the same report of 1855: * * * "I have guarded the directors of every district against employing any teacher who is not provided with a certificate of ability from you, and hope they will comply with my request, *for it is a melancholy fact that incompetent teachers have been employed in many cases.* * * * In my humble opinion we ought to *return to the system of parish superintendents*; and their principal duties should be to visit all the districts every three months, to assist the directors, to examine the teachers, etc., etc. * * * Then this officer, by a regular intercourse with the directors and teachers of each district, would be better qualified to report to the State Superintendent about the condition of the schools." * * *

EXTRACTS FROM THE REPORT OF 1858.

"When we look at this report, (parish report from ———,) we perceive that the time during which our schools are taught is not three months for each district; that the number of children attending school falls short of one-third of the whole number of children between the specified ages. * * * The causes that tend to these results, viz: the incapacity of the teachers, and the general apathy of the district directors, and of the people generally, have been heretofore set forth in former reports."

Same report, from the parish of ———: "It will appear to your honor how difficult it is to arrive at a report that would enable you to come to some conclusion upon the amount of benefit rendered in this parish by the public school system, if you could only see whom we have for directors, *one-half of whom make their crosses for their signatures.* Consequently we have very meagre reports from some, or, in fact, all the districts, and from some none. * * * I regret to say that I am satisfied that it is for the want of a system to enforce the directors to employ efficient teachers, and a want of capacity

*The parish treasurers make their reports to the State Superintendent, who embodies them in his report to the Legislature.

in so many of our directors, that the funds disbursed do by no means return an equivalent to those for whose benefit they are paid out."

Report from the parish of ——— : "We have a few tolerable schools here ; but, generally, the teachers are *scholastically bad* and *morally worse!* The directors are uneducated, and consequently incompetent to judge of the acquirements of applicants, and are regardless of their *social standing and moral character!*"

From the parish of ——— : "The truth is, there is little or no interest manifested by our citizens in the public schools. We have no school houses in the proper acceptance of the term. The schools are generally taught in dingy, rickety, half-roofless sheds or shanties, that a planter of ordinary capacity for managing his affairs would not allow his negroes to inhabit. I, myself, have taught school for months in an apology for a school house, through the cracks and holes of which I could easily throw a good sized urchin of sixteen years. There are honorable exceptions, however."

From the parish of ——— : "The general character and condition of the free public schools of this parish are not very good, owing principally to the neglect of the Police Jury in not appointing competent commissioners to examine teachers ; and also a carelessness, or neglect upon the part of the directors in not paying that attention to the fostering of schools in their different districts that they should. * * * As regards the qualifications of teachers, it is not good, for some of them *can scarcely write their own names.* And I think that the Legislature should make a standard of qualifications for teachers of free public schools."

FROM THE REPORT OF 1859.

From the parish of ——— : "I have not received a single report from the different school directors of this parish. You will, therefore, perceive the difficulty under which I have labored, and the utter impossibility of my furnishing anything like an exact account of the schools in our parish. * * * The directors seem to take little or no interest in the schools. * * * We have some good teachers, and I think some of them are *more than ordinarily sorry.*"

From the parish of ——— : "Dear Sir—It is with much regret that I am unable to report any improvement in the public schools of this parish, but such is the fact. In reference to the qualifications of teachers, in most instances, they are extremely poor : in fact a large majority of them are *not at all qualified.* How, and why it is, that such men are employed by the school directors, I am unable to state. There are, however, a few teachers in the parish who are competent, and where they are employed the schools prosper. Many of the citizens of the parish, who are able, have abandoned the public schools and employed private teachers."

From the parish of ——— : "The teachers are generally *utterly incompe-*

and, and it cannot be otherwise while the pittance now paid to teachers will scarcely raise them above absolute want. The consequences are, those employed are unfit for their duties, * * and as far as this parish is concerned, the system is in a perfectly *demoralized condition*."

I beg leave here to transcribe the opinion of another gentleman embraced in the report of 1859, in which he more clearly notices some of the evils of the present system, and suggests their remedies. He says:

"I can only reiterate the defects of the present school system, mentioned in my report of last year. It is impossible to make a full report of the different school districts in the parish, for the reason that, with the exception of the directors of the third district, no report has been made to me, and the defects of the law are the cause thereof. There are districts in the parish wherein the population is so small that there is no necessity for having three school directors, as the law requires to have in each district or ward. It is *imperative* that the law be changed, so that there be either one superintendent for each parish, or three directors for the whole parish, instead of three in each ward or district, as the law is now. It ought to be made the duty of the superintendent or directors to establish a public school at the parish seat, and other portions of the parish where a thickly settled neighborhood demands the opening of a school. Further, that no school be considered a public school, except *where it is established as such by the superintendent or directors*. Under the present law, nearly every wealthy planter has a school at his house, and draws the *pro rata* share out of the public treasury. The poor children have not the benefit of these schools, and in this parish, which pays about fourteen thousand dollars school tax, there is consequently not money enough in the treasury to pay the expense of a single public school at the parish seat, where it ought to be. Under the present very defective law, where there are three school directors in each district or ward, any three men in a thickly populated neighborhood can start a school, even when there is no necessity for it. But if there is one really public school in the parish, then every one has the right to send schoolable children there, and those who *prefer educating their children at home, ought not to draw from the State treasury to pay for it*. The present law is altogether too much mixed up. Let every law be repealed, and make a new one, simple in its provisions, and plain, that every body may understand it," etc., etc., etc.

FROM THE SUPERINTENDENT'S REPORT OF 1860.

From the parish of ———: "With the exception of two or three districts in this parish, the condition of the schools is bad. In seven cases out of ten the teachers employed are not qualified to teach. In a large portion of the district, the citizens take no interest in the matter. In some districts the people are swindled out of their money by some shrewd teachers, through the *negligence or ignorance of the directors*," etc., etc.

From the parish of ——— : * * * “We have many public schools, and many of them are *impositions on the community* in which they are located ; but we believe that the present system, if fully carried out, as intended by our legislative bodies, would be as good as could be enforced. * * The qualifications of teachers in the private schools I pronounce to be good ; but some of those engaged in the public schools are very deficient indeed, and are a *disgrace to the community* in which they *pretend* to teach. But the system should not be condemned because a few disgrace the part which is entrusted to their care and management.”

From the parish of ——— : “Dear Sir—In compliance with law, I have the honor to make my report ; but owing to the fact that none of the district directors have sent me in their annual reports, mine must be less satisfactory than it might otherwise be. These directors do not pay sufficient attention to the moral character of teachers, and are themselves often incompetent to judge of their literary capacity. * * I would suggest the revival of the *parish superintendent system*. Let him be well qualified and required to attend to his duties, and be liberally paid for his services.”

From another parish : * * * “From my personal knowledge of the schools, there are some very good ones, with efficient and competent teachers, but the majority of the teachers are *wholly incompetent*.”

FROM THE REPORT OF 1861.

From the parish of ——— : * * * “The character of our public schools is not as good as it might be, owing to carelessness on the part of the directors to employ competent teachers.”

From the parish of ——— : “I have no improvement to report since my last, in the condition and success of the schools under our present system. The qualifications of teachers, with a very few exceptions, are *very indifferent, both morally and intellectually*. The directors, and the people generally, seem to care but very little for their success, and give the matter no attention. Rambling teachers, finding out the state of the funds in any district, go to work with zeal, and get such districts organized with the least possible delay, and with the same continued zeal soon exhaust the funds and then emigrate to some other moneyed district and do likewise. In a word, I consider the money applied to the schools under the present law entirely squandered, and of but little advantage to those whom the law intended to benefit by it.”

FROM THE SUPERINTENDENT'S REPORT OF 1862.

* * * “Our schools, in the early part of the year, were much depressed by “Lincoln's war,” and many schools suspended ; but recently some have rallied and commenced again, and others, no doubt, will soon, provided “King Cotton” has a word in the transaction. In fact our schools have been so fluctuating that it is impossible to make out a satisfactory report. Many

teachers have gone to the war, and there are a few more *that could be spared with benefit.* * * * I trust the above will suffice, as we have but little time to attend to reports, unless it is *war reports*, for drilling here is as common as '*pig tracks.*'"

From the parish of ——— : * * * "As to the condition of the schools here, the term '*general stagnation,*' caused by the existing war, is the best description that I can offer."

From another : * * * "I am not able to give fuller details, having received no reports from the directors of the different school districts."

And again : * * * "I have received no reports from the directors that will impart any information. All reports are imperfect as to what the law requires."

REMARKS ON THE ABOVE.

Thus it will be seen from the reports of my predecessors in office, as well as from information obtained by myself, that the cause of public education in this State has been greatly mismanaged for years past. Judicious and sufficient laws have been enacted. Appropriations of money have also been made, and made liberally; and worthy, able gentlemen have endeavored to perfect the working of the system. But, with all these appliances and efforts, we have seen that the children of the State have been very badly taught or not taught at all.

The frequent complaint of the parish treasurers, whose duty it is to make their annual school reports to this office, of the delinquencies and mismanagement of these district directors, show a culpable negligence of their official duty on the part of many of these gentlemen. Far be it from me to attach blame to whom blame does not belong; for there are many honorable exceptions among them; but where the same complaints are made by so many different parties, and in successive years, we are forced to come to the conclusion that these are not made without a cause. The instances are too numerous, and the cases too nearly parallel, to allow us to believe they are accidental and without foundation.

REMEDY PROPOSED FOR EXISTING EVILS.

Now, when we have well ascertained the existence of an evil in the body politic, it is wise to apply a remedy, in case one is found which is applicable; and, in the matter under consideration, I truly believe the remedy is entirely within reach; and that, I would respectfully suggest, is to remodel the law appointing district directors, and to re-enact the law appointing parish superintendents, whose duty it would be to supervise the working of the school system in the parishes. As the law now stands there are, outside of New Orleans, and it may be two or three other towns or cities, no officers to control the working of the State laws on the subject of public schools, except

the State superintendent and these district directors ; and it is not possible for the superintendent to apply the details of the law, and manage its operations in the more than one thousand school districts of the State. And I presume it will not be questioned but that the State Superintendent of Public Education should continue to keep his office at the seat of government of the State, as has always been customary ; for his official duties usually require his presence there. Then there remains but the district directors to work out its provisions and see that the children of the State are educated. How they have performed their part of the labor, at least in very many instances, I think I have pretty fully made known to your honorable body. They have been tried, and have failed—miserably failed. They cannot, it seems, be intrusted with the execution of such an important charge. They have been “weighed in the balance and found wanting.”

NUMBER OF DIRECTORS TO EACH PARISH.

Therefore, I would respectfully suggest that the part of the school laws respecting directors be modified, so that there shall be five good men appointed or chosen directors for each parish ; but in case the parish is quite large, or, as is sometimes the case, part lies on the right and part on the left bank of the Mississippi river, then there shall be eight directors for the parish, properly distributed ; and besides the directors, there should be a parish superintendent, who shall be paid a salary for his services, with his duties prescribed by law.

PARISH SUPERINTENDENTS FORMERLY.

From 1847 to 1852, this State enjoyed the advantages of having such an officer in every parish, whose duty it was, especially, to see to the proper working of the system in his department.

During that interval we had not such oft-repeated complaints of the mismanagement of the local officers as we have had since. Our public schools were then doing well. In fact, I suspect too well for the slave-holding aristocracy of the State, and, therefore, something must be done to check them. So, in the famous year 1852, the law establishing the office of parish superintendent was repealed,* and the sole control and development of our noble plan of Free Public Schools, in the rural parishes of this great State, was left in the hands of the “district directors ;” and with what result, at least in a large number of cases, your honorable body can judge from the reports and extracts embodied in this paper, and for introducing which, this is my apology, if apology be necessary, that in no other way could I make known to the members of the General Assembly of the State, who, I conceive, ought

*By abolishing the office of Parish Superintendent, the State saved to itself the notable sum of one hundred dollars a year in each parish ; that is the difference between the yearly salary paid to the Parish Superintendent (\$200) and the sum now paid to the Parish Treasurer yearly (\$200) for taking care of the parish school moneys, and paying them out. The loss caused by abolishing the office, I imagine, is not easily reckoned in dollars and cents.

to know these things, the disgraceful mismanagement, and, I may say, almost criminal neglect, which have characterized the local administration of our Free Public School System for the past few years. A course of mismanagement which would almost be incredible, were it not testified to by so many independent witnesses in different parishes and different years. And what makes this malfeasance in office by the directors more unpardonable, is the fact that those who suffered by it were the children of the State, on whom it entailed, to a greater or less extent, a life-long penalty—ignorance; and, in addition thereto, it may have resulted in sowing in their young minds the seeds of vice! Can your honors reflect that *drunken teachers*, in many instances, have been placed in the State schools, which should be nurseries of virtue, piety and patriotism, without emotions of the deepest indignation? Yet, by the testimony of numerous witnesses, such have been, in many districts, and for many months, if not years, the teachers of the State's children.

THE CAUSE OF THE MISCHIEF.

For this long continued and widely prevalent state of things there must be a sufficient cause. Trees do not grow and bring forth their fruit without the parent germ. And the question very naturally arises, what tree is it that has borne to our children this bitter fruit—these “apples of Sodom?”

We are slow to come to the conclusion that any class of men could steadily, and of purpose, pursue a course so utterly abhorrent to every feeling of our better nature as that, the vague impression of which almost forces itself upon our convictions from the recitals above given. Men may do many things from indifference, selfishness, pride, or penuriousness; but there seems here to have been a baser principle at work that could give to the children of our State, in so many cases, *such teachers*, and such school privileges as have been brought to the notice of your honorable body in this paper. Our children “asked for bread, and they gave them a stone; they asked for fish, and they gave them a serpent; they asked for an egg, and they received—a scorpion.”

And thus the details of our school system, which has been so beneficently and nobly conceived and planned, seem to have been wrought out in a spirit manifesting a deep laid purpose to compass its ruin, rather than forward its useful and patriotic aims.

The mind instinctively recoils from forming uncharitable conclusions, and would much rather attribute the evils that have been done, and the good that has been left undone, to negative virtue, rather than to positive vice. We would gladly throw the broad mantle of charity over the cause, whatever it may be, that has made these disgraceful facts to stand as a part of the educational history of our State, as they now must.

But I feel assured that men will be disposed to ask the very natural question, “can slavery be the cause of such wide-spread and continued evils in

a community? Evils that sap not only the very foundations of our republican institutions, but also of our social happiness! Can it have been the settled purpose of the slaveholding aristocracy to balk in this way the cause of popular education?—a cause so dear to every true-hearted patriot and philanthropist? Could they consent to provide family tutors for their own offspring, or send them to distant and expensive schools and colleges, while, as for the children of the humble, honest, hard-working classes, *their schooling* was provided for as above recorded!

These questions will be answered, and, we trust, charitably and truthfully. They may present a new and unlooked for aspect in which to view the "peculiar institution"—one which is especially suggestive, and of deep import. If we are compelled to answer them affirmatively, as I believe we must, we cannot but thank a kind Providence, who has brought about the overthrow of an institution whose baleful principles, like the destroying Upas tree, *poisoned and blighted every good thing that came within its influence*. Such is Slavery.

THE DOOM OF SLAVERY.

But the voice of man, as well as the fiat of the Almighty, has decreed that *slavery is dead*. And the same noble instrument that pronounces its doom in this State, by a still nobler utterance, orders the education of those from whom the fetters have been struck. They must be prepared for the new life upon which they are entering. And the efforts to educate them may be met with opposition.

FURTHER REASONS FOR A PARISH SUPERINTENDENT.

Therefore, in organizing and putting in successful operation the schools for colored children throughout the State, your honorable body will perceive the necessity that will exist for a school official in each parish, who, by his presence and ability, shall be able to combat and remove long rooted prejudices, and by his executive tact and energy establish these schools, and see that they remain as permanent as any of the State. I confess I see much cause for anticipating trouble, possibly failure, in carrying out the noble purposes of the framers of the Free Constitution of 1864, in this department of our State Education, unless such a parish office be created and properly filled.

For very satisfactory information concerning the schools for colored children and adults, established up to this time, by the "Board of Education for Freedmen," created by General Order No. 38, issued by Major General N. P. Banks, commanding the Department of the Gulf, I very respectfully refer your honorable body to the highly interesting and encouraging report made by Major B. Rush Plumley, chairman of the Board. The full report is found in Appendix C.

I think I have fully shown that, even with good laws and the most liberal expenditure of school moneys, still, by carelessness or indifference, in the

local or district management, our system fails, in part at least, of those beneficent results contemplated in its organization and endowment. And as the law is at present, I see no sufficient remedy for the evils complained of, in its operation in the rural districts, even in carrying on the white schools; and how much more might these troubles be increased, when, in addition to these, colored schools are to be organized and made a part of our State educational system.

But, with the parish officer proposed, whose vigilance and intelligence would immediately apply a remedy to such evils as have been noticed, aided by an efficient corps of directors, it would seem that our public school system should be in the future much more successful than it has been in the past. At least I do not think we should hear so frequently of those flagrant and oft-repeated abuses to which I have called the attention of the General Assembly.

It is of the highest importance that now, in revising our State laws and the reconstruction of our State policy in some very important particulars, the subject of public education should be placed on the best possible basis. In the pages of this report I have carefully endeavored to make known some of the principal defects in its past management, and to suggest adequate plans of improvement for the future.

In a large number of cases, we see that our school system has resulted in mortifying failures, such failures as would make a man ashamed for his State; but that feeling must instantly give place to a just indignation, on reflecting how often and by whom the noble purposes of our philanthropic legislators have been so basely and effectually thwarted—thwarted either by the inexcusable ignorance of some officials, or the more inexcusable cupidity and intentional malpractice of others.

THE PUBLIC SCHOOLS OF NEW ORLEANS.

In the city of New Orleans, where our system of Public Schools is well understood and wisely managed—where the teachers and professors are carefully chosen and liberally paid, and where its working is under the constant supervision of able and laborious officials, our schools are deservedly popular. They are in great and well earned favor with the people, and produce educational results for which we may well feel a degree of pride. They rank very well, compared with those of much more favored cities, where public schools are, and long have been, among their most cherished institutions.

The noble stand taken by our city, as early as the year 1841, in favor of free public schools, the steadiness with which that stand has been maintained through many dark days of opposition and trial, and now the triumphant success that has crowned her efforts as witnessed by the numerous and well-filled public school houses that ornament the various sections of this growing

city, speak as forcible a language in praise of her watchful care over her youth, as her crowded levee recently did of her great thrift as the commercial emporium of the Southwest. She wields the two mighty levers that move the world—commerce and education—and by her enlightened liberality in the cause of universal education, no less than by her energy and success in commercial pursuits, she deservedly takes the first rank among all the cities of the South.

The very interesting report of the superintendent of the city schools is found in Appendix A, to which I beg leave to call the attention of the General Assembly.

STATE NORMAL SCHOOL.

In this connection, I would respectfully suggest to your honorable body the propriety and necessity of fostering with all proper care the State Normal School, which, under an act of a former Legislature, was organized in this city, and in past years has done good service in supplying to our city and parish schools many very able teachers. It is an institution highly necessary to insure the success of our educational system, and well deserves legislative encouragement and support.

THE PRIVATE SCHOOLS AND SEMINARIES IN NEW ORLEANS.

As a very important supplement to my report on the public schools of the State, and more especially in its relations to our city schools, I beg leave to present to your honorable body, and to call your especial attention to a very interesting document (Appendix B,) which is the report of a Commission appointed by Major General Banks, commanding the Department of the Gulf, to take cognizance of the numerous private schools and seminaries found in New Orleans, which Commission is in the following words :

HEADQUARTERS, DEPARTMENT OF THE GULF, }
New Orleans, July 13th, 1864. }

Special Orders No. 185.

(EXTRACT.)

"10. Judge Hiestand, Rev. Dr. Guion, and Hon. A. P. Dostie, State Auditor, are appointed a Commission to visit, examine and report upon the organization, studies, and general tendencies, and the character of the teachers of all the private schools within the Department of the Gulf.

"They are authorized to visit any premises for this purpose, and will call upon the Provost Marshal General for assistance, if required, to enable them to execute their duties.

"It is desired that their report shall embrace a full description of such schools, the number of pupils, the objects for which they are organized, and the general influence produced upon their pupils and the community. Report will be made in detail, as schools shall be examined.

By command of Major Gen BANKS.

J. SCHUYLER CROSSY, Acting Assistant Adjutant General.

The results of their labors, so far, are set forth in the report and tableaux,

and have been very kindly placed at my disposal by the gentlemen composing the Commission. They are interesting, and of grave import.

Can the gentlemen of the General Assembly of Louisiana realize, that in many of the private schools in this city, persons are instructing our youth who avow themselves "rebels," or "rebel sympathizers?" And many others who show by "their evasive manner of answering these questions," that their whole sympathies are with those now in armed rebellion against our government, and shedding the blood of our countrymen? And further, that these individuals are permitted to organize schools, teach our children and tacitly or openly instill the poison of rebellion and treason into their young minds? The thing would seem impossible, but there the record of facts stands, on their own confession—attesting to the impudent daring of a deed, which is only exceeded in its violation of all that is right and honorable by the forbearance and magnanimity of the government against which rebels and rebel sympathizers are waging a suicidal war, and under whose flag these teachers *are or have been quietly pursuing their vocation!*

It cannot fail to be noticed by gentlemen consulting the accompanying tableaux how many of the teachers of these private institutions claim either to be foreigners or, though American born, to be *under foreign protection*, and living here for years under the American flag. We think it is a question that ought to begin to engage the serious attention of true American citizens, whether foreigners are the best educators of American youth, especially those who, after living for years under our national flag, discard it for some other.

Our youth must be taught to love our country, our flag, and the God-given institutions it symbolizes, if we would be, in all time to come, a united, free and great people. But those educators, whether native or foreigners, who, after living here a sufficient time to become acquainted with these, and then show they despise them, by rejecting them, will, as a natural consequence, teach their pupils to "go and do likewise."

It may possibly be urged by some of these persons, that they are "neutral," and do not teach "politics" in their schools. However it may be with foreigners, with American born citizens, adults, or children, there is no such thing as neutrality, at this crisis. It is an absurdity in principle, and an impossibility in fact.

It is time that such shallow pretences and subterfuges be put down, and that the arm of our government make itself felt, if necessary, for its own quiet and safety, even in the school room; for there are those who in a little time will be active, either in supporting our cherished institutions, or just as active, to the extent of their ability, in destroying them. And the teacher must, in this matter, be held in a good degree responsible for the loyalty or disloyalty of his scholars, and be treated accordingly.

This war must not go on interminably, or to extermination, as it may do,

if a part of our children be allowed to be taught treason. The simple principle of self-preservation demands that this should stop. The children of the State, so long as they are on American soil and beneath the American flag, *must be taught loyalty to that flag, and to none other.*

Besides those whose answers stand recorded in the report and tableaux, there is another class of schools in our city, the principals and teachers of which, by their suspicious silence, in not deigning to give answers to the interrogatories propounded by a commission acting under the orders of the commanding general of this Department, subject themselves to very grave doubts in regard to their unqualified loyalty. We refer to certain schools kept especially under the auspices of the Catholic Church. The neglect to send in their answers may have been an oversight.

It is high time that the question of loyalty or disloyalty should be well settled in *all* the schools of the city and State. Our State Government owes it to itself, to our general government, and to the blood of our dead heroes, self-sacrificed for that government, to see that the poison of secessionism and disloyalty be allowed to spread no further.

I think it very properly comes within the sphere of my duties, as *Superintendent of Public Education*, to say a few words respecting

THE FAITHFUL AND PROFESSIONAL TEACHERS.

As just and beneficent legislators, your honorable body cannot but feel a deep interest in that very worthy and laborious class of persons, chiefly ladies, who are employed in the public schools of our city and State. Very many of these, from long and acceptable services in the several departments of our schools, as well as from their prompt declaration of unwavering, open and fearless loyalty, when such loyalty was duly appreciated and not overabundant, we might well suppose should have secured for themselves by this time the unquestioning confidence of all to whom may be entrusted the control of the important affairs of our public schools.

The well-tried and faithful laborer in the public service, especially in that, the most sacred of all, in which the teacher conscientiously and acceptably, for the time being, fills the place of parent to the youth of the city and State, and whose skill and success "are known of all men," should ordinarily need no formal certificate attesting a fitness for place; having that which is far better than this—the certification which years of patient, laborious and successful teaching gives, and whose solid and hard-earned reputation is not enhanced by attempting to increase it out of the school-room, "where thrift may follow fawning." There alone is the field of labor of the successful teacher, the educator of high and noble aims.

"THEY DESERVE WELL OF THEIR COUNTRY."

And I would most respectfully call the attention of your honorable body to the great worth as well as the proper status of the faithful and professional

teachers, and suggest that these public benefactors (for such they are) be by all means *protected*, and *encouraged* to persevere in their high and holy vocation—in the steady cultivation of the highest moral, intellectual and professional aims; and that there be held out to them such substantial and reliable inducements as will insure to our people, not only of the city, but also of the rural portions of our State, such a corps of intelligent and *loyal* educators as will lead their youth successfully forward in that brighter and nobler career to which we firmly believe Providence has called our regenerated State.

I feel assured that your honorable body will not pass by with indifference the just deserts of such well-tried and deserving public benefactors as are the zealous and loyal teachers of our schools, and more especially of that class of them who, from a proper delicacy cannot, and therefore *should not*, be expected to plead their own cause or *declare their own merits*.

EMPLOYMENT OF TEACHERS.

Moreover, in regard to the duties of those gentlemen, who have, especially in these hard times, the appointment of teachers in charge, I beg leave to say a word. As teaching is a labor in which the rich, or those comfortably off, have no special advantage over those who, it may be, are struggling with relentless poverty, in an uncharitable world, we hope those gentlemen will remember that it adds a double grace and benefit to the kindly dispensed appointment, if it be bestowed where the hard earned stipend of the worthy teacher may successfully ward off approaching want, and furnish, it may be, in their time of necessity, food to the hungry, and comfort to the suffering.

GENERAL ASSEMBLY OF 1864.

All must be impressed with the conviction that the legislation of the present General Assembly will pass in its proper influence beyond the bound of this State, and also be felt beyond these, our times. Its members have a great work to perform; and that is, so far as human agency can go, to complete the regeneration of a State.

The year 1864 is, for Louisiana, historic. Its passing page is spread out before the world, and is already bearing away into history its store of great events, and the new era is upon us. "Let the dead past bury its dead," and be forgotten, and let the men of the present, under a kind Providence, hope, labor and provide for a better and enduring future. It has been well and truly said that "God is in history." How forcibly this quotation may be applied to the unlooked for changes now beginning to appear around us. We are still rocking to and fro with the upheavings of the mighty earthquake by which He has shattered a social and political system, which was considered almost as fixed and permanent as the solid earth on which we

tread. The rollings of the upheaving wave are still active, and every element of society is swaying with its throes ; and the exact condition in which we shall find our social and State affairs disposed, when its violence shall have ceased, is hardly in the power of the human mind to foresee. Still, we feel assured that there are some things past, beyond recall ; and the new elements are being slowly, but surely, moulded into shape. Now men must act, and act promptly. The current of events is swiftly and irresistibly bearing us onward.

The present page of our history will soon be closed and folded away with the past. And we trust that the impression which this body of legislators may leave upon it may be that of *Universal Freedom, nurtured and maintained by a Christian and wide-spread education*. The age needs it. Our State and country call for it. A pure morality and a well grounded intelligence are the main pillars that support the State edifice in all Republican governments.

EFFECTS OF A BAD EDUCATION.

That bad men, educated, will surely mislead, and may possibly ruin us, is a principle which we feel to be too painfully true at the present time. The mass of those deluded men now in rebellion against the authority of the United States, properly educated, never could, of themselves, have raised the standard of revolt against the best government that God ever vouchsafed to man, nor have been led away by demagogues who dared to do it. Therefore, we want, especially in these dark and troubled days of our country's history, to see inculcated more of that pure, self-sacrificing, holy patriotism, like Washington's, that is ready at all times to be offered on the altar of its country. Hence, our children, with whom, under God, rests the future destiny of our people and their institutions, must be taught, not by ignoramuses inebriates, or disloyalists, but by the purest, best and most loyal minds that can be drawn into the school room. The finest talent in the land is neither too lofty nor too brilliant for the unpretending task of the teacher.

NECESSITY AND MANNER OF IMPROVING THE SCHOOLS.

The task of arranging our educational affairs at the present time, is a most important one, and I hope that the few changes proposed will meet with the approbation of the General Assembly. And I trust that your honorable body will, with a wise liberality and jealous watchfulness, cherish the free public schools of the State, and enable them to become what they never yet have been, except it may be in the city of New Orleans, adequate to the wants of the whole people. To accomplish this great end sufficient funds must be appropriated, and the proper school officers in the parishes, as well as in the city, carefully chosen. More especially, I would again respectfully ask, that we may have for each parish, as formerly, a local superintendent, whose watchfulness, ability and zeal, shall correct the abuses to which I have felt it my duty to call the attention of the General Assembly; and I am coa-

vinced, that with such school officers and a liberal appropriation of means we shall soon perceive a great improvement in these very important institutions of our State—our free public schools. Besides, liberal provisions for public schools, promptly and judiciously bestowed, under good management, is the best economy. Ignorance and vice are expensive—intelligence and morality are thrifty, and true statesmen can have no choice for which they will provide.

IMPORTANCE OF THE LEGISLATION OF LOUISIANA.

It cannot but be borne in mind by your honorable body that, in legislating for this city and State, you are legislating for the great Southwest of our Union. As has before been hinted, the influence of your action will not be confined by State lines. The policy pursued by the statesmen of Louisiana, at this time, especially, will be felt throughout the entire domains of "King Cotton." How important then that the example set by you to the surrounding States in the cause of universal education, like the one the recent Convention so nobly set in the cause of universal freedom, shall be such as may be safely and successfully followed—followed in that way which shall lead us all again to be a united, as well as an intelligent, Christian and *truly free* people.

CONCLUSION.

By the constitution of 1864, freedom forever is guaranteed to the colored race of Louisiana. It also decrees that they and their children are to be educated. The task, therefore, of developing and establishing a new and untried enterprise in the history of the world, is laid upon her legislators; that is, to provide for the systematic and free education of the people but recently, by that immortal instrument, delivered from the lash of the taskmaster. In this, the great philanthropy of the age, Louisiana stands first among States. Others may follow, but ours leads the way in the great work. And now, let there be "no steps backward." May her efforts be steadily continued in the noble course so worthily begun; and if, throughout all her borders, universal education shall go hand in hand with universal freedom, then, indeed, we may emphatically say, in the words of him whose name, for all time to come, is linked with the history of Louisiana, "*HER VOICE IS LIBERTY!*"

JOHN MACNAIR,

State Superintendent of Public Education, La.

New Orleans, October 6, 1864.

APPENDIX A.

TREASURER'S OFFICE, CITY HALL,
New Orleans, September 30, 1864. }

MR. JOHN MACNAIR, *State Superintendent of Public Education:*

SIR—Herewith I have the pleasure to hand you Mr. J. B. Carter's report of the Public Schools of New Orleans, since September 1, 1862.

I am, respectfully, your obedient servant,

JOHN S. WALTON,
Treasurer City of New Orleans.

OFFICE OF THE SUPERINTENDENT OF PUBLIC SCHOOLS, }
New Orleans, September 28, 1864. }

JOHN S. WALTON, Esq., *Treasurer of the City of New Orleans:*

DEAR SIR—In compliance with your request, I have the honor to transmit the following report:

Within the last two years very important changes in the administration of the public schools of this city have transpired, to which brief allusion may first be made.

Soon after the re-establishment here of the power and laws of the national government, early in 1862, an ordinance was passed under which the city schools were reorganized. The general control and management of them was entrusted to a Bureau of Education, which was authorized to appoint a Board of Visitors for each municipal district, and one superintendent for the whole city. The sum of two hundred and twenty thousand dollars was appropriated to defray the expenses of the first year, and after almost as brief an intermission as in time of profound peace, the regular session of the schools commenced.

It is impossible not to add to this simple record a passing allusion to the circumstances and the great merit of this important action, which occurred during the early and doubtful period of our gigantic and unhappy civil war, wherein all the resources of the government were imperatively demanded to maintain its dignity and enforce its laws, and in a city apparently irreconcilable. Yet, in the trying ordeal through which it was called to pass, the government remembered, almost simultaneously with the successful assertion of its authority, to place within the reach of its people once more the benefits

of an institution whose advantages can seemingly be realized only in the midst of public tranquillity. The names of Major Gen. Benj. F. Butler, Gens. Shepley and Weitzel, its representatives in this Department at that time, as well as those of some of our own esteemed fellow-citizens, must ever be remembered for their aid in this matter.

The most prominent and beneficial acts of the Bureau of Education were the establishment of uniformity in the regulations, and in the text books used throughout the schools, and the adoption of the vernacular of the country as the sole medium of instruction. In the course of study assigned to the high schools, special provision was made for thorough instruction in the elements of the French language—so fondly cherished by a large and respectable portion of our community, and so much appreciated abroad as a medium of international intercourse.

Under the new plan thus introduced, which, however it may be improved upon hereafter, must be considered as the pioneer of progress in our city system, the schools, in spite of many serious and unusual obstacles—inseparable from the state of the times—have prospered, and have accomplished a vast amount of good. As exemplars of loyalty, they have made a proud record, and, in their sphere, have possibly effected as much in this respect as any other department.

The following statistics, recorded at the close of the annual session in June, 1864, are here presented :

Total number of Schools.....	44
Number of Pupils on Annual Register.....	12,411

FIRST DISTRICT.

	No. of Pupils.
Boys' High School.....	37
Girls' High School	52

PRIMARY AND INTERMEDIATE SCHOOLS.

(Boys') Jackson School.....	296
Paulding ".....	326
Jefferson ".....	527
Marshall ".....	339
Fisk ".....	508
(Girls') Washington ".....	305
Paulding ".....	379
Webster ".....	571
Franklin ".....	621
Madison ".....	377
Total number.....	<u>4338</u>

APPENDIX.

SECOND DISTRICT.

Boys' High School.....	45
Girls' High School.....	65

PRIMARY AND INTERMEDIATE SCHOOLS.

(Boys') Bienville School.....	333
Basin ".....	281
Claiborne ".....	338
St. Philip ".....	398
(Girls') Robertson ".....	427
Rampart ".....	441
St. Anne ".....	181
Barracks ".....	363
Bayou Road ".....	150
(Boys' and Girls') Bayou Bridge School.....	259

Total number.....3281

THIRD DISTRICT.

Boys' High School.....	39
Girls' High School.....	37

PRIMARY AND INTERMEDIATE SCHOOLS.

(Boys') Fillmore School.....	376
Washington ".....	326
(Girls') Beauregard ".....	207
Washington ".....	377
DeSoto ".....	373
(Boys' and Girls') LeBreton School.....	244
McCarthy ".....	223
Chalmette ".....	342
Hancock ".....	40
Pontchartrain ".....	40

Total number.....2624

FOURTH DISTRICT.

Boys' High School.....	28
Girls' High School.....	74

PRIMARY AND INTERMEDIATE SCHOOLS.

(Boys') Laurel School.....	408
Magnolia ".....	288
Live Oak ".....	411
(Girls') McDonough School.....	560
Magnolia ".....	288
Live Oak ".....	211

Total number.....2268

APPENDIX.
COURSE OF STUDY—HIGH SCHOOLS.

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MALE DEPARTMENT.

FIRST YEAR—THIRD CLASS.

<p>Reading Exercises—Fifth Reader, National series. English Grammar—Quackenbos' Reviewed. Universal History—Willard's. Natural Philosophy—Quackenbos'. Arithmetic—Perkins' Practical, reviewed.</p>	<p>Algebra—Davies' Bourdon. French—Levizac's Grammar, Perrin's Fables. Latin—Harkness' Arnold's Lessons. Composition and Declamation—Semi-monthly.</p>
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SECOND YEAR—SECOND CLASS.

<p>Rhetoric—Quackenbos'. Ancient Geography, History and Chronology. Chemistry. Algebra—Bourdon, concluded.</p>	<p>Geometry and Trigonometry—Davies' Legendre. French—Grammar, Telemaque. Latin—Arnold's Lessons, Caesar. Greek—Bullion's Grammar. Composition and Declamation monthly.</p>
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THIRD YEAR—FIRST CLASS.

<p>Mental and Moral Philosophy—Abercrombie's. Chemistry. Astronomy—Burritt's, (with use of the Globes). Surveying and Navigation—Davies'. Book Keeping—Elements of.</p>	<p>French—Grammar, Written and Colloquial Exercises, Classical Readings. Latin—Virgil, with Grammar and Prosody; Cicero's Orations. Greek—Greek Lessons, Bullion's. General Review of Studies before final examination.</p>
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FEMALE DEPARTMENT.

FIRST YEAR—THIRD CLASS.

<p>Reading Exercises—Fifth Reader, National Series. English Grammar—Quackenbos' reviewed. Rhetoric—Quackenbos', to third part. Universal History—Willard's. Arithmetic—Perkins' Practical reviewed.</p>	<p>Algebra—Towers' Mental. French—French Syllabication, Orthography and Pronunciation; Levizac's Grammar and Perrin's Fables. Composition—Monthly.</p>
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SECOND YEAR—SECOND CLASS.

<p>Select Readings. Rhetoric—Quackenbos', concluded. Natural Philosophy—Quackenbos'. Botany—Wood's.</p>	<p>Algebra—Davies' Bourdon. French—Colloquial and Dictation Exercises, Grammar and Telemaque. Composition—Monthly.</p>
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THIRD YEAR—FIRST CLASS.

Select Readings and Composition.	Geometry—Davies' Legendre.
English Literature—Cleveland's.	Chemistry.
Mental and Moral Philosophy—Abercrombie's.	French—Colloquial and Dictation Exercises; Version—English into French and French into English; Classical Readings.
Ancient Geography, History and Chronology.	General Review of Studies before final examination.
Astronomy—Burritt's, (with use of the Globes).	

PRIMARY AND INTERMEDIATE SCHOOLS.

FOURTH DEPARTMENT.

Division A.

Alphabet and Spelling—Webb's Normal Cards and Webster's Speller.
Formation of Letters and Figures on the Slate and Blackboard.
Elementary Tables of Arithmetic.

Division B.

Reading—Second Reader.
Spelling—Webster's Speller.
Writing—Elements of, on the slate.
Geography—Monteith's Primary.
Arithmetic—Perkins' Primary, First Part.

THIRD DEPARTMENT.

Reading—Third Reader.
Spelling—Webster's Speller.
Geography—Monteith's Manual.

Arithmetic—Perkins' Primary, completed.
Penmanship—Slates and Copy Books.

SECOND DEPARTMENT.

Reading—Fourth Reader.
Orthography—Definitions and Dictations daily.
Geography—McNally's Entire.

Arithmetic—Perkins' Practical to Per centage.
Penmanship—Copy Books.

FIRST DEPARTMENT.

Reading—Orthography and Definitions, Fourth Reader.
English Grammar—Quackenbos'.
United States History—Quackenbos'.
Arithmetic—Perkins Practical, completed.

Geography—McNally's reviewed.
Composition and Declamation—Semi-monthly.
Penmanship.

Terms of Annual Session	Nine Months.
Total number of Teachers engaged	228

EXPENDITURE FROM SEPT. 1st, 1862, TO SEPT. 1st, 1863. .

For teachers	\$171,297 46
For books, stationery, rents, repairs, &c.	50,033 96
Total	\$221,331 42

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FROM SEPTEMBER 1st, 1863, TO SEPTEMBER 1st, 1864.

For teachers.....	\$205,645 99
For books, stationery, rent, repairs, &c.....	23,516 58
Total.....	\$229,162 57

Total number of educable children of the city, by Assessor's Report of 1863..... 37,664

Number in attendance on public schools as above.

First District.....	4,338	} 12,511
Second do	3,281	
Third do	2,624	
Fourth do	2,268	

Number not in attendance in Public Schools.

First District.....	8,839	} 25,153.....	37,664
Second do	7,777		
Third do	5,957		
Fourth do	2,580		

LIBRARY.

I am extremely glad that the present occasion enables me to refer to the highly encouraging and prosperous condition of our Library. Under the Bureau of Education, the district libraries were united, and with appropriations and contributions we now have probably the best literary collection in the South, numbering nearly thirty thousand volumes, in every department of belles-lettres, art and natural science, in various languages, including many rare, valuable and ancient compositions. Its management has been greatly improved, and as it will receive the special attention of the present honorable Board of Directors, its organization will be thoroughly perfected.

Although attached to our public schools, every facility will be offered for the enjoyment of its privileges, to the entire community, by which it will soon be appreciated, as one of its chief sources of interest and of civil pride.

For information on the subject of private schools, I respectfully refer you to an elaborate report of the Commission recently appointed by Maj. General Banks.

Permit me to say, in closing this report, that it is the earnest hope of the friends of free schools in this city, that the Legislature, now about to assemble, will heartily respond to the spirit of liberality in this matter evinced by the Constitutional Convention, whose noble action on this subject alone, entitles it to the lasting and kindly remembrance of the people of the State. It was meet for an assembly—over the portals of whose halls was inscribed "Liberty"—to remember that liberty, without enlightenment, is ever insecure, and simultaneously with its decree of universal freedom, to provide for universal education.

The decided preference for the system of PUBLIC Schools manifested by this body—composed of representatives of every nationality and creed among our citizens—is also gratifying.

If there has been a conscientious difference of opinion in this respect, in any degree, it is hoped that there will soon be an entire unison of ideas upon the subject.

Public schools, free from sectarianism and political partisanship, are the true democratic institutions of education. They should be so largely endowed as to afford to our youth every facility for the acquisition of knowledge. They should be cherished among our dearest privileges. In them, the only aristocracy is the eminence which springs from the natural intelligence or native industry of those in attendance. In them, the children of all the people—rich and poor—meet side by side in friendly emulation, and, together, learn the principles of our constitution and government, and loyalty to the Republic. They are, and will ever be, the bulwarks of freedom.

They were the memorable words of one of the greatest of the great men of our country—"Liberty and Union, one and inseparable, now and forever." In the light thrown upon us by our present unhappy civil strife—of which he, and others like him, were spared the sight—may not the humblest venture to say rather, Liberty, Education and Union—One and inseparable—One and Eternal!

With much respect, your obedient servant,

JOHN BUTLER CARTER,
Superintendent Public Schools, City of New Orleans.

APPENDIX B.

Report of the Commission appointed by General Banks, consisting of Messrs. Hiesland, Dostie and Guion, to investigate and report upon the Private Schools of New Orleans.

TO MAJOR GENERAL N. P. BANKS, COMMANDING DEPARTMENT OF THE GULF :

GENERAL—The undersigned, appointed by Special Order No. 183, paragraph 10, dated July 13th, 1864, as a commission to visit, examine and report upon the organization, standing and general tendencies of all the private schools within the Department of the Gulf, most respectfully submit a partial report of their proceedings, embracing the private schools within the several districts of the city of New Orleans.

The commission commenced its labors by requesting Captain S. Hoyt, acting Mayor, through the police of the city, to furnish a list of all the private schools in the city, which was most readily complied with, for which we return him our thanks. The commission, also, framed a schedule of questions to be propounded to each teacher, to elicit the information we desired to obtain. Being thus prepared, the commission visited the schools mentioned in the tabular statement. In nearly all of the visits made, the three commissioners were severally present.

On entering a school, the first thing said or done was to announce the fact of our appointment under your order. Wherever the least doubt or hesitancy was shown, the commission itself was exhibited ; with very few exceptions we were politely received, and no objections made to answering questions propounded. Those exceptions will be noticed in their proper place. On many occasions, the answers to questions put were noted down at once for future reference. On retiring from the school, copies of the schedule of questions were left for each principal and assistant teacher, to be afterwards filled up for delivery when called for. We transmit herewith a tabular statement of all the schools visited by us—some of which have neglected or refused to answer the questions, as will appear from the statement.

The schools visited by us may be divided into three classes, to-wit :

1. Those of which the teachers are loyal and teach their scholars the duty of loyalty to their country.
2. Those of which the teachers proclaim themselves to be registered neutral subjects of foreign powers or States; who declare that they allow nothing

of a political character to enter or be taught in their schools—maintaining as they say, a strict neutrality, having no sympathy either with the government or with the rebellion.

3. Those of which the teachers declare that they were born in the United States; who have not taken the oath of allegiance, and who declare they have no sympathy either with the government of the United States or with the rebellion, and who claim to be registered as foreign subjects, as well as those who declare that their sympathies are with the rebellion. With the exception of those who declare themselves loyal citizens, and comparatively a few registered neutral foreign subjects, the answers are universal, that no effort whatever is made to teach the children the duty of loyalty to the government of the United States, and further, that nothing whatever of a *political tendency* is taught.

The general tendency of those schools, the teachers of which declare that they have no sympathy with the loyal people and government, or sympathize with the rebellion, or allow nothing of a political tendency to be taught in their schools, we deem alike pernicious; as such a course, undoubtedly, is to allow a feeling of hostility to the government of the United States whenever it may exist, even in the minds of children, to be fostered and encouraged. Such we actually found to be the case on questioning some of the older children in many of the schools of the class we are now speaking of, in which we found many children who seemed to take a pride in declaring to us that they are *rebels*. Another most fatal tendency of such a state of things is, that it is calculated to impress upon the minds of children themselves the idea that, inasmuch as they are going to school to *foreign neutrals* or *native rebels*, they have thus a right to entertain opinions of neutrality, or even hostility, which the children going to the public or private loyal schools have no right to entertain. Your commission are of the opinion that the teaching of patriotism or love and respect for the constitution and laws of one's country, as well as for the land of one's nativity, can never, without a direct perversion of the plainest meaning of words, be denominated as *politics*; and we are in doubt whether such an anomalous state of things would be permitted in any country as that of permitting the youth of a country or State to be taught by the subjects or citizens of foreign States, who, whilst they openly claim the protection of such foreign powers as a guarantee for their neutrality, claim the right of teaching the children of the State or country in which they sojourn, *and who have no right of neutrality*. That they (the children) may entertain ideas, either of neutrality or even of hostility, towards the country of their birth, or that it is wrong to teach such children any idea of patriotism towards their country, because they would be teaching them *politics*. We scarcely know how to find words sufficiently strong for the expression of our detestation of such casuistry.

THE CHILDREN OF CITIZENS ARE CITIZENS, AND BELONG TO THE COUNTRY EQUALLY

AS MUCH AS THEIR PARENTS, ALTHOUGH THEY MAY NOT BE ENTITLED TO ALL THE FRANCHISES OF CITIZENS OF MATURE AGE. IF THE STATE HAS A RIGHT TO PROVIDE FOR THEIR EDUCATION, THE STATE MAY ALSO PROVIDE HOW THEY SHALL BE EDUCATED, WITHIN THE LIMITS PLACED BY THE CONSTITUTION.

One of the first duties of those engaged in instructing the minds of children, is to teach them their obligations to the constitution and laws of their country, whether the teacher be a loyal citizen or a neutral foreigner; for in times of great political trouble in a country, none others should be allowed to interfere in a matter of so much importance to the State.

The right of a foreigner to remain in a country in time of war rests solely upon his neutrality, which is a right personal to himself, which he can extend to no one else, and any attempt on his part to do so is a violation of his neutrality, as in case of his teaching the children of citizens that they have *the right* of remaining neutral, or of entertaining opinions of hostility, so they do not express them—as such conduct has a direct tendency to seduce the citizen from the allegiance which he owes to the country of his birth or adoption.

There is another class of persons (although few in number) teaching private schools in this department, to-wit: persons who were born in the United States, but avow themselves as *registered subjects of foreign powers*. By what right or process of reasoning such a conclusion is arrived at by them, we are unable to determine. These cases we most particularly recommend to the notice of the commanding General.

There is also a class of schools, nearly all of which, to the great satisfaction of the commission, exhibited undoubted evidence of loyalty, both on the part of teachers and scholars, about which we deem it our bounden duty to say a few words. We refer to the schools of the various Religious German Congregations, and in doing so we wish it distinctly understood that we do it not in a spirit of censure, but rather as a subject of reflection for those having charge and direction of them. In the schools alluded to the principal studies are in the German language, the mother tongue of a vast and important branch of our naturalized citizens, whose patriotism, industry and frugality is, as a general thing, undoubted. Yet, by the course of education pursued in those schools, their children, instead of being educated in the language, manners and customs of their native country, are more capable of becoming German citizens when entering upon their own career, than of entering upon the active competition of American citizenship.

There is also a class of private schools claiming to be public. Under what authority this pretence is set up we are unaware. We allude to the schools of the so-called Christian Brotherhood. These schools have thus far, without a single exception, failed to make any statement whatever, or in any manner to answer the Schedule of Questions propounded.

On closing this branch of our general observations, we, in conclusion,

take upon ourselves to say that the instruction of the youth of our country (particularly of that section of it,) in a proper regard for the constitution and laws of the country, as well as a love and respect for the magistracy created by law for the government and protection of the country and the execution of its laws, is as much a moral obligation as it is a religious duty.

Let the youth of the country be properly instructed in their obligations to the country of their birth, and the institutions of the country are safe. Neglect that, and all hope is gone. Let the children of the country be properly instructed, and it matters little by whom or how the laws are made, as then none but good laws will be enacted. Neglect that, and laws, no matter how just, will remain a dead letter, and government itself will be sapped at its foundation. Instruct the youth of the country properly, and we shall soon have one country, one constitution, one language and one liberty.

Respectfully submitted,

E. HJESTAND,
ELIJAH GTON,
A. P. DOSTIE.

The following is a list of Questions prepared by the "Commission," to aid them in their investigations—the more important answers to which are condensed in the following Tableaux :

COMMISSION ON PRIVATE SCHOOLS.

DEPARTMENT OF THE GULF,
New Orleans, July—, 1864. }

Questions propounded by "The Commission to visit and examine each private school in the Department of the Gulf" to the Principal and Assistant Teachers, respectively, of each of said schools, and to be answered by them in writing, under oath.

1. What is your name ?
2. Where is your residence ?
3. What is the name or designation of your school ?
4. Where is it located ?
5. When was it established ?
6. By whom was it established ?
7. What is your position in the school ?
8. How long have you been teaching in this school ?
9. What branches of education are taught in this school ?
10. On what days of the week, and during what hours of the day, is your school in session ?
11. Are there any other assemblages of the pupils in the school-rooms at other times, for literary or other purposes ?
12. If so, when, and for what purpose ?
13. Do religious exercises or instructions form any part of the regular duties of the school ?

14. If so, state the nature and extent of the same?
15. What examinations, exhibitions or other public exercises have been, or are to be held during the present school year?
16. When does the school year commence?
17. When does it end?
18. What vacations are given during the year?
19. Are any demonstrations of loyalty, such as the playing of patriotic airs, singing patriotic songs, or the display of the flag of the United States, ever made in your school?
20. If not, why are they omitted?
21. Are any topics introduced, airs sung or played, or flags, mottoes or devices displayed in your school, which are inimical to the United States, either during school hours or at other times?
22. If so, state when and under what circumstances?
23. Do you teach your scholars the duty of being loyal to the government of the United States?
24. Are your sympathies with the United States government, or with the so-called Confederate government?
25. What has been the greatest number of pupils connected with the school during the past year?
26. What is the present number?
27. What tuition fees are charged for pupils?
28. What salaries or remunerations are paid the teachers and other employees of the school?
29. What have been the receipts and expenditures for the past year, or so much of the present scholastic year as has already elapsed?
30. Where were you born?
31. How long have you resided in this State?
32. If of foreign birth, how long have you resided in the United States?
33. Are you a naturalized citizen of the United States?
34. Have you taken the oath of allegiance to the United States government since the first of May, 1862?
35. If so, at what time, and before whom?
36. Have you taken the amnesty oath of December 8, 1863?
37. Have you ever taken the oath of allegiance to the so-called Confederate States government?
38. Are you now, or were you ever registered as an enemy of the United States?
39. Are you registered as a foreign subject? If so, of what country or State?
40. Have you ever taught in the public schools of New Orleans or of this State?
41. If so, when and for what reason did you terminate your connection with them?
42. Would you have any objection to have the United States flag raised over your school, or over the Principal's desk, during school hours?

The Principal of each school is required to annex hereto a list of the names of all his or her pupils since the first of January, 1864, together with the name and residence of their parents or guardians.

APPENDIX C.

REPORT OF THE BOARD OF EDUCATION FOR FREEDMEN,
DEPARTMENT OF THE GULF,
New Orleans, October 5th, 1864. }

To Professor John MacNair, Superintendent of Public Education, State of Louisiana:

DEAR SIR—Herewith I have the honor to hand you a statement of the condition of the colored schools now under the care of the "Board of Education for Freedmen," created by "Order 38," dated Headquarters, Department of the Gulf, March 22d, 1864.

In April last there were but eight of these schools, all of them in this city. At the present time, we have seventy-eight schools in New Orleans and parishes adjacent, conducted by one hundred and twenty-five teachers, embracing over eight thousand pupils, with an average attendance of nearly six thousand five hundred.

In addition, we are now organizing evening schools in the city and towns, for the adult plantation laborers of both sexes, a majority of whom seek instruction with great avidity. To these will be added, within two months, at least sixty Sunday Schools for all classes of freedmen.

These schools for the freedmen are no longer an experiment; they are a decided success. The children are docile and industrious. They evince a quickness of apprehension and a general capacity for acquiring knowledge that is surprising. Perhaps the most marked characteristic of the pupils is their quick and grateful appreciation of the efforts made for their instruction. They manifest their gratitude and their affection for their teacher in many ways and on all occasions.

In cleanliness and general personal habits, they will compare favorably with children reared under far better auspices.

Under its present administration, it is the policy of the Board to select its teachers, not exclusively, but to a great extent from Southern women, or from those long resident in the South.

There are several hundred applicants, beyond the needs of the school boards of Louisiana, for the place of teacher. If these women of the South are willing to forego their hatred of race, the prejudices of education and the hostility of kindred, and become teachers of negro schools, certainly they are entitled to the first consideration.

In conformity with this policy, we have one hundred teachers, of the one hundred and twenty-five employed, who are of Southern origin, or of long residence in the South.

Many of these ladies exhibit the utmost zeal and courage in their occupation.

Driven out, occasionally, by rebel raids, and their schools scattered, they return with the flag, at the first moment, collect their scholars, and go on with renewed energy.

Frequently unable to obtain boarding for themselves, as negro teachers, they manage to remain and to live, through no little privation and annoyance, until they succeed in overcoming the opposition, and are received by their opposers.

The Board thought it not advisable to build school-houses, at present, although empowered to do so. We have appropriated such buildings, not otherwise used, as could be obtained. Many of these are not pleasant to occupy. The teachers go into them with alacrity, enduring much discomfort, but cheerfully making the best of the circumstances.

It would be unjust not to recognize and commend the brave spirit and faithful labor of many of the teachers.

Measured by all the obstacles in its way, and its limited means to overcome them, probably no system of education, for any class of people, *ever made such rapid and gratifying progress.*

As nearly as we can ascertain, there are about fifteen thousand colored children within our military lines in Louisiana. In six months, under all the disabilities of an initiatory and unpopular educational movement, in the midst of war, we have succeeded in bringing more than half of these children into our schools.

It must be apparent that, with any reasonable success, we shall have the whole number under instruction within a year from the issuing of the order creating the Board.

To one so familiar as yourself with the subject, in all its bearings, I need not recount the benefits to the State and to society, that must result when these children, at maturity, shall join the instructed adult; together substituting for a servile, ignorant, wasteful class, a free, intelligent and industrious population.

Very respectfully,

B. RUH PLUMLEY,

Chairman Board of Education for Freedmen,
Department of the Gulf, N. O.

Lt. E. M. WHEELLOCK, Secretary.

The following is the order issued by Maj. Gen. Banks, making provisions for the education of "Freedmen," referred to in the accompanying Report:

HEADQUARTERS, DEPARTMENT OF THE GULF, }
New Orleans, March 22, 1864. }

GENERAL ORDERS No. 38.

In pursuance of the provisions of General Orders No. 23, current series, for the rudimental instruction of the Freedmen of this Department, placing within their reach the elements of knowledge which give intelligence and greater value to labor, and reducing the provisions necessary therefor to an economical and efficient school system:

It is ordered that a Board of Education, consisting of three persons, be hereby constituted, with the following duties and powers:

1st. To establish one or more Common Schools in each and every school district that has been or may be defined by the Parish Provost Marshal, under orders of the Provost Marshal General.

2d. To acquire by purchase, or otherwise, tracts of land, which shall be judged by the Board necessary and suitable for school sites, in plantation districts, to be not less than one-half acre in extent; to hold the same in trust to themselves until such schools shall have been established, when they shall transfer all the right and title thereto that may have vested in them to the Superintendent of Public Institutions, or other competent State authority.

3d. To erect upon said plots of land such school houses as they may judge necessary and proportioned to the wants of the population of the district, where there are no buildings available and proper for school purposes. And in this, as in all other duties, they shall exercise the strictest economy.

4th. To select and employ proper teachers for said schools, as far as practicable, from the loyal inhabitants of Louisiana, with power to require their attendance for the purpose of instruction in their duties, one week at least at a Normal School, to be conducted by the Board.

5th. To purchase and provide the necessary books, stationery and apparatus, for the use of such schools, and in addition thereto to purchase and furnish an outfit of a well-selected library, &c., for each freed person in the several school districts who is above the age of attending school duty, at a cost to each, including a case to contain the same, not exceeding two and a half dollars, which sum shall be included in the general tax hereinafter provided, but shall be deducted from the laborer's wages by his employer, when such books are furnished.

6th. To regulate the course of study, discipline and hours of instruction for children on week days, and adults on Sundays; to require such conformity to their regulations and such returns and reports from their teachers as they may deem necessary to secure uniformity, thoroughness and efficiency in said schools.

7th. To have generally the same authority, and perform the same duties

that Assessors, Supervisors and Trustees have in the Northern States, in the matter of establishing and conducting common schools.

And for the full accomplishment of these purposes, and the performance of the duties enjoined upon them, the Board shall have full power and authority to assess and levy a school tax upon real and personal property, including crops of plantations, in each and every before mentioned school district. The said taxes so levied shall be sufficient in amount to defray the cost and expense of establishing, furnishing and conducting, for the period of one year, the school or schools so established in each and every of the said districts; and said taxes shall be collected from the person or persons in the occupation of the property assessed.

8th. The taxes so assessed and levied in and for each district, shall be collected and paid over to the Board by the Parish Provost Marshal, within thirty days after the tax list and schedule shall have been placed in his hands; and he shall forthwith report to the Board whether there are in the districts of his parish any buildings available and suitable for school houses, and shall, at all times, when required, assist by his authority the Board in carrying out the spirit of this order. The taxes, when collected, shall be forthwith deposited in the First National Bank of New Orleans, subject only to the order of the whole Board, which shall make a monthly exhibit of accounts and report of their doings to the Commanding General.

9th. In the performance of all their duties the Board shall co-operate, as far as practicable, with the Superintendent of Public Education, recently elected.

10th. The current school year shall be estimated from February 1st, 1864, to February 1st, 1865.

11th. The following officers and citizens are appointed on this Board, and will be obeyed and respected accordingly:

*Col. H. N. Frisbee, Twenty-second Infantry, Corps d'Afrique.

Lieut. E. M. Wheelock, Fourth Infantry, Corps d'Afrique.

†Isaac G. Hubbs, New Orleans.

By command of Major General BANKS.

RICHARD B. IRWIN,
Assistant Adjutant General.

*Col. Frisbee was relieved soon after his appointment, and Maj. B. Rush Plumley appointed Chairman, by order of Maj. Gen. Banks.

†Since resigned.

**MONTHLY REPORT OF SCHOOLS UNDER DIRECTION OF THE
BOARD OF EDUCATION FOR FREEDMEN.**

**DEPARTMENT OF THE GULF,
New Orleans, September 30, 1864.**

Parishes.	No. children between 5 and 12 in Parish.	No. Directors in Parish.	No. Schools in Parish.	No. of Districts without Schools.	No. of Teachers.	No. of Scholars in Schools.	Average attendance of scholars.	No. not attending Schools.	Remarks.
New Orleans..	4000	00	15	00	41	2560	1875	1440	Several more schools will be put into operation in a few days. One in St. James. One in Plaquemine. Two in Terrebonne.
Orleans.....	475	4	4	00	8	406	329	69	
Jefferson.....	800	12	8	4	14	730	497	70	
Plaquemine....	406	7	4	3	4	280	240	126	
St. Bernard....	969	9	7	2	6	485	430	484	
St. Charles....	738	9	6	3	6	375	325	363	
St. John.....	747	10	7	3	7	435	364	312	
St. James.....	1173	16	00	16	00	00	00	1173	
Ascension.....	808	10	2	8	2	141	125	447	
Iberville.....	500	12	1	11	2	175	125	355	
Baton Rouge...	1007	3	3	00	12	698	572	309	
E. Baton Rouge	423	9	2	7		173	131	250	
Terrebonne....	1730	20	6	14	8	458	388	1272	
Lafourche.....	386	10	2	8	3	215	175	171	
Assumption....	1178	19	7	12	7	500	473	678	
St. Mary.....	450	4	4	00	5	415	300	35	
	15,790	154	78	91	125	8046	6349	7744	

APPENDIX D.

CITY OF JEFFERSON, October 13, 1863.

To the Hon. Superintendent of Public Education :

SIR—In accordance with my duties, I herewith make a brief report of the condition of the public schools in the city of Jefferson.

We have four public school districts, with school houses, situated as follows : One in the First Ward, one in the Second, one in the Third, and one in the Fourth Ward. The First Ward school consists of a male and female department, and employs two teachers, at a salary of seven hundred and twenty dollars each. The Second Ward school has three departments. It employs three teachers—two at a salary of seven hundred and twenty dollars each, and one in the primary department at a salary of six hundred dollars. The Third Ward school has four departments and employs four teachers, at a salary of seven hundred and twenty dollars each. The Fourth Ward school has two departments and employs two teachers, at a salary of seven hundred and twenty dollars each. All of the above schools are well attended and in a flourishing condition.

In addition to the above, we have a boys' and girls' high school, where the higher branches of education are taught, and employ two teachers, at a salary of nine hundred and eighty dollars each. The Council have quite lately elected a new Board of Directors for the public schools, who have not yet made a report ; therefore, I am unable at this time to give a correct statement of the number of pupils in attendance.

Since my last report, (February, 1862,) we have expended the sum of thirty-four thousand eighty-eight dollars and forty cents (\$34,088 40). We have received from the State of Louisiana, through the Superintendent of Public Education, the sum of two thousand nine hundred thirty-three dollars and sixty cents (\$2,933 60). The balance has been paid out of the general fund of the city of Jefferson. According to the books of the comptroller, the balance due from the State of Louisiana, on account of public schools, on the 30th day of September, 1864, amounts to the sum of sixteen thousand one hundred and fifty-nine dollars. From the want of the customary receipts of the above amount, the schools are deficient in books and other stationery.

Most respectfully submitted,

FELIX LAGROUE,
Treasurer of the City of Jefferson.

REPORT

OF THE

STATE TREASURER.

State of Louisiana in account with J. G. Belden, Treasurer.

1864. CR.			
March 4. By sundry cash received from T. C. A. Dexter, Esq., late military treasurer, to wit:			
Confederate notes.....	\$462,752 13		
Bank of New Orleans.....	33,580 00		
Current Funds.....	339,012 83		
		\$835,344 96	
Sept. 30. By cash received for Redemption of lands forfeited to the State.....		617 50	
Auction duties.....		15,526 86	
Collection of taxes.....		333,141 50	
Charity Hospital.....		500 00	
Total receipts to 30th Sept., 1864.....			\$1,185,130 82
Dr.			
Sept. 30 To cash paid on account of State Constitutional Convention of 1864.....		364,171 17	
Militia.....		1,738 58	
Auction duties refunded for illegal collection.....		7,121 20	
Salaries of Judges.....	14,681 06		
.. State Attorneys.....	2,893 89		
.. Assessors.....	7,438 48		
.. Clerks of Courts.....	3,386 42		
.. in Executive Departm't.....	2,597 73		
.. Sec'y State Departm't.....	1,300 51		
.. Treasury Department.....	1,796 95		
.. Auditor Department.....	2,856 85		
.. Sup't Pub. Education.....	1,229 80		
		38,081 69	
Amount carried forward.....			391,112 64

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Amount brought forward.....		391,112 64	
Contingent expenses in			
Treasury Department.....	575 65		
Auditor's Department.....	677 40		
Executive Department.....	1,779 75		
Secretary of State Department.	107 90		
Superintendent Pub. Education.	123 75		
General.....	12,937 10		
State Land Office.....	401 30		
		16,402 85	
State Library.....		609 09	
Commissions to Tax Collectors...		21,561 58	
State Penitentiary.....		2,163 50	
Printing and Advertising.....		4,572 55	
Registry of Voters.....		208 00	
Public Schools.....	37,361 58		
Public Schools, Parish St. James.			
Salary of Teachers.....	757 50		
		38,119 08	
Public Charities by order of Gov-			
ernor Hahn.....	500 00		
Charity Hospital.....	5,924 72		
Charities voted by State Conven-			
tion of 1864.....	34,500 00		
		40,924 72	
Expenses of Election, to wit :			
Parish of Ascension.....	510 00		
St. James.....	165 00		
St. Mary.....	210 00		
Lafourche.....	1,114 90		
Orleans, (Right Bank)	50 00		
Assumption.....	336 00		
Orleans.....	800 00		
Avoyelles.....	860 00		
Pointe Coupee.....	307 00		
East Feliciana.....	349 40		
Iberville.....	111 00		
St. Charles.....	151 00		
St. John Baptist.....	90 00		
Terrebonne.....	420 00		
		5,482 30	
Total expenditures to Sept. 30, 1864.			\$541,347 22
Balance in Treasury Sept. 30, 1864..			\$643,783 60
The above balance consists of the fol-			
lowing described Notes, to wit:			
Confederate Notes, uncurrent....	462,752 13		
Bank of New Orleans, uncurrent..	33,580 00		
Current, Legal Tender and City of			
New Orleans.....	147,451 47		
		\$643,783 60	

Statement of Funds:			
General Fund.....	514,397 03		
School Fund.....	111,423 95		
Internal Improvement Fund.....	17,962 62		
Total.....			
		\$643,783 60	
N. B.—The General Fund consists of the following described Notes, to wit:			
Confederate Notes, uncurrent....	462,752 13		
Bank of New Orleans, uncurrent..	33,580 00		
Current Notes.....	18,064 90		
Total General Fund.....	\$514,397 03		

[Attest.]

J. G. BELDEN, TREASURER.

c f

REPORT

OF THE

ATTORNEY GENERAL.

To the Honorable the Senate and House of Representatives of the State of Louisiana :

The Attorney General is, by law, required to make and submit to the Legislature, at the commencement of the session thereof, a report of all the business done by him ; and this duty I now proceed to discharge.

Owing to the shortness of the period during which I have filled the office of Attorney General, and the somewhat deranged condition of the judiciary of the State, the official duties performed by me have been comparatively limited, presenting themselves in meagre proportions, in comparison with the varied and multifarious acts of my office, which I will be called upon to discharge, when the judicial tribunals of Louisiana are in effective operation, under the wise and benignant constitution lately adopted by the people.

Since taking possession of my office, on the 4th of March, 1864, I have attended to three cases of homicide—one in the parish of Orleans, and two in the parish of Jefferson. I have prosecuted in the parish of Orleans two cases for shooting with intent to murder. In the absence of the District Attorney of the Second Judicial District, composed of the parishes of Jefferson, St. Bernard, and Plaquemines, I conducted a prosecution* for larceny before the District Court of the parish of Jefferson. I have appeared before the recorder of the First District of the city of New Orleans, to prosecute an official of the said city, upon the grave charge of having systematically extorted (under color of his office, from his employees,) various sums of money. This case, I deem it proper here to state, after a full and protracted investigation, was decided by the recorder adversely to the accused, who was sent before the First District Court for trial. It is particularly the duty of the law officers of the State to see that *officials* do not, under the color of their official authority, commit acts in violation of the criminal laws of Louisiana, and whenever a case of the kind is brought to my notice, I will spare no efforts to bring the offending official before the judicial tribunals, that the facts may be fully and fairly enquired into, and right and justice meted out in the premises. The

interests of Louisiana, and the material and moral progress of her people, can in no way be so well promoted, as by holding her officers—from the highest to the lowest, to the faithful discharge of the duties of official position.

I have instituted, for the purpose of enforcing payment of taxes due the State, forty civil suits; three in the Circuit Court of the United States for the Fifth Judicial Circuit, State of Louisiana, and thirty-seven in the United States District Court for the Eastern District of that State. The Federal tribunals have been resorted to in these cases, instead of the State courts, on account of certain proceedings against the property of the delinquent tax payers, under the confiscation acts of Congress.

I have, from time to time, represented the State in summary proceedings, but the nature of these cases is not of sufficient importance to require further notice.

For more specific information relative to the official business done by me, the suits and prosecutions to which I have attended, the number and names of persons prosecuted, the crimes for which such prosecutions were had, the results thereof, and the punishments awarded therefor, I beg leave to refer to the statistical tables accompanying this report.

The most arduous portion of my official labor has consisted in giving counsel to those who by law are entitled to my official opinion. Many questions, novel in their character, and clothed with deep and significant importance, have from time to time pressed themselves upon me for prompt attention; and these questions, with their novelty, their doubts, their difficulties and their embarrassments, I have disposed of in a manner which commended itself to my judgment and conscience. The *present* has been my stand-point; the stern and inexorable logic of passing events were my beacon and my guide. Past traditions, in many cases, have been ignored, and the imperious demands of Progress listened to and conceded.

Relative to the status of that class of persons in Louisiana, heretofore known as slaves, but now advanced to the position of *freemen*, I bestowed much thought. I could not lose sight of the fact that this status has been greatly affected by the proclamation of the President of the United States, and by certain orders emanating from the Military Headquarters of the Department of the Gulf; and with a knowledge of this fact, I could not do otherwise than conclude, that the persons referred to, after and under such proclamation, and orders, had acquired at least the civil rights appertaining to unnaturalized white residents of this State. An opinion to this effect was officially given by me some months ago—an opinion formed through no subserviency to the government,—created by no prejudice against slavery, or slaveholders,—emanating from no desire to please one class, and displease another,—but an opinion, the result of a conviction based upon my view of the then passing events, and their ultimate result. However, my opinion relative to the status of those, formerly recognized as slaves, so far as that

status was affected by the proclamation and orders above referred to, has ceased to be of practical importance, on account of the Ordinance of Emancipation, recently adopted by the State convention, and afterwards ratified by the people of Louisiana.

I deem it my duty to call your attention to the law which authorizes the auditor of public accounts to employ attorneys to recover money due the State from any cause, whenever, in his discretion, he may deem it proper and expedient so to do. All matters requiring legal attention should be entrusted to the law officers of the State, and it is respectfully suggested that a different policy, which portions out professional duties and responsibility, has a tendency to produce a conflict of action, to impair the vigor necessary for a due protection of the interests of the State, and to destroy that concentration of statistical knowledge, and facts, so important to be preserved. For these reasons, and others which might be urged, the act of the Legislature now under consideration should be repealed.

In the early part of the past month, the Auditor of Public accounts addressed to me a communication, accompanied by a report from the "Financial Commission" appointed by Major General Banks; and in that communication he desired to be informed whether or not the facts set forth in the report "furnished sufficient grounds for instituting legal proceedings against any or all the banking corporations, referred to in the aforesaid report, as *insolvents*."

It could not be denied that the several banking institutions referred to in the report of the Financial Commission had failed to redeem their issues in specie. This suspension, however, was not only occasioned by the positive orders of the authorities at Richmond, sustained by the pressing remonstrances of the governor of Louisiana, but was brought about against the wishes of the banks, which being able to meet their liabilities in coin, at the time they were forced to suspend, strenuously refused to comply with the injunction of the foregoing authorities, up to the 16th September, 1861, when they were compelled to submit.

It was clear to my mind that, under ordinary circumstances, the failure of a banking institution to redeem its issues in specie, justly and legally, under the laws of Louisiana, subjected the institution, thus in fault, to a forfeiture of her charter, as a consequence of her wrong; but by no process of reasoning could I become convinced, that such a result could flow from a failure of the bank to redeem in specie, when that failure was solely attributable to a power which the bank was powerless to control. The failure to redeem, under such circumstances, became the work of coercion—not the work of the bank; and neither at law, nor in equity, should the bank be made responsible.

My opinion given to the Auditor was, that the suspension of specie payments, by the several banks referred to in the report of the Financial Commission, under the circumstances, formed no legal, certainly no equitable

ground for depriving those institutions of their charters, or forcing them into insolvency.

Whether or not the several banks referred to in the report, have been guilty of any act, other than a suspension of specie payments, which is in violation of law, and subjects the institution to a forfeiture of its corporate rights, and the consequent destruction of its corporate existence, depends upon a variety of facts, relative to which I have not been fully informed. An investigation of the affairs of these institutions will doubtless be made by the "Committee on Banks and Banking," to be appointed by your honorable bodies, and perhaps by other commissions duly invested with authority to inquire into such matters; and from the reports of these committees and commissions full knowledge on the subject may be acquired. In this connection I deem it not amiss to state, that two at least of the institutions referred to in the report of the Financial Commission, were in such condition as to justify the interposition of judicial authority. Their business was practically suspended, their doors virtually closed, their depositors were unable to obtain the amount of their deposits, except in depreciated notes, and no step had been taken with a view to a prompt and final liquidation and settlement of their affairs. So far as these institutions are concerned, action appears necessary; but action by me is suspended until after the meeting of the Legislature.

A summary liquidation of *all* the banking institutions referred to in the report of the Financial Commission, had a tendency, in my opinion, to throw the management of such institutions into the hands of persons not as well adapted to manage judiciously as the officers selected by the banks themselves; to cause a rapid and serious decline in the value of a large amount of stocks and bonds which would suddenly be thrown upon the market; to depreciate the issues of the banks in the hands of the billholder; to prevent depositors for a long time from having the possession and use of their means, which would become judicially locked up in the vaults of the banks; and finally, to carry consternation and distress to many a home and hearth-stone in the community.

For these reasons I have not deemed it my duty, particularly in the absence of positive instructions to that effect, to commence legal proceedings against those banking institutions of the State which seemed to be doing a legitimate business, and receive and pay over their counters the notes of the United States.

The criminal laws of Louisiana are in a condition requiring the earnest attention of the Legislature. It would be well that early legislation be had, defining the jurisdiction of coroners, recorders, and other committing magistrates in the parish of Orleans, and keeping those officers within the limits prescribed by law. Recorders and committing magistrates often inflict punishment for offences which are, or ought to be, cognizable by the First District

Court alone, thereby depriving the accused of "*trial by jury*," and the rights and privileges accorded to them in a regular court of record.

It is a matter of great importance to the efficient administration of justice, that the Legislature should provide for the arrest of witnesses, in cases of unlawful homicide, arson, and other atrocious crimes, and the detention of such witnesses until they give security for their appearance at the trial. In urging this matter upon the Legislature, I do but reiterate a suggestion made by some of my predecessors in office.

Owing to the numerous and constantly accumulating duties of the district attorney of the parish of Orleans, that officer, with all possible energy and ability, will soon find it impossible, unaided, promptly and efficiently to discharge the important and responsible obligations attaching to his official position; and justice to him, as well as a due regard for public interests, require that an assistant prosecuting attorney should be allowed. This assistant should be subordinate to the district attorney, and it should be made the duty of the former, when called upon by the prosecutor, to appear before the courts of committing magistrates in the parish of Orleans, to be present at all preliminary investigations of a criminal nature occurring in that parish, and to which the State is a party, to collect testimony, to procure the attendance of witnesses before the First District Court, and to give such aid and assistance to the attorney general of the State, and the district attorney of the parish of Orleans, as either of those officers may call upon him to render in that parish.

Should the Legislature see proper to adopt the suggestion relative to an assistant prosecuting attorney hereinabove made, it will be necessary to provide the manner in which that officer shall be selected, and to fix the amount of his salary.

In closely examining the criminal laws of Louisiana, many serious defects and short-comings present themselves—defects and short-comings which can be discovered and remedied only by the most careful and scrutinizing view of this most important field of jurisprudence. A change, in many respects, is imperatively demanded; but changes are not always for the better. Coming together as the Legislature does, under circumstances which the State has never before seen, will that body, limited as it is in time, from the large amount of other work which has to be done, be able to present a system of criminal Laws adequate to the wants, and fully adapted to preserve the peace, and maintain the dignity of the State? This question will have to be answered by yourselves. I would, however, most respectfully suggest, that instead of hasty legislation on this important subject, it would be better for the Legislature to create a commission (to be composed of the attorney general and two leading members of the bar of acknowledged legal ability chosen by that officer, whose peculiar province and duty it is to look after the criminal laws of the State) to revise "the statutes of the State of a crim-

inal nature, to simplify their language, to correct their incongruities, to supply their deficiencies, to arrange them in order," and to report the same, with such suggestions as the commission may deem proper to make, with a view to their adoption by the Legislature, as the CRIMINAL CODE of Louisiana.

To carry out this policy would doubtless subject the State to some expense, but not to one-tenth of the expenditure of money which would undoubtedly follow an attempt on the part of the Legislature to form a system of criminal jurisprudence, unaided by the labor of those whose study enables them quickly to discover, and satisfactorily present a system of laws adapted to the end in view.

B. L. LYNCH.

NEW ORLEANS, October 1, 1864.

APPENDIX.

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Statement of claims for taxes filed by the Attorney General, in the following numbered and entitled cases in the U. S. Circuit Court, at New Orleans :

NO.	PLAINTIFF		DEFENDANT.	INTERVENOR.	TAXES OF YEAR.
3,386	U. S.	vs.	Armstrong's Foundry,	State of La.	1862
3,376	do	vs.	The Building 90 Mag. st.,	do	1861 and 1862.
3,392	do	vs.	John Haskins & Co.	do	do

Statement of claims for taxes filed by the Attorney General in the following cases, in the United States District Court at New Orleans :

NO.	PLAINTIFF.		DEFENDANT.	INTERVENOR.	TAXES OF YEAR.
7,640	U. S.	vs.	J. P. Benjamin.....	State of La.	1861 and 1862.
7,642	do	vs.	D. F. Kenner.....	do	do
7,643	do	vs.	T. J. Semmes.....	do	do
7,644	do	vs.	Marshal J. Smith.....	do	do
7,646	do	vs.	Maurice Grivot.....	do	do
7,648	do	vs.	W. R. Koonts.....	do	do
7,649	do	vs.	D. W. Adams.....	do	do
7,650	do	vs.	Harry T. Hayes.....	do	do
7,651	do	vs.	F. H. Clack.....	do	do
7,652	do	vs.	Bulletin Office.....	do	do
7,653	do	vs.	C. M. Conrad.....	do	do
7,662	do	vs.	G. W. Race.....	do	do
7,664	do	vs.	P. E. Bonford.....	do	do
7,665	do	vs.	J. G. Parham.....	do	do
7,667	do	vs.	S. Boyd.....	do	do
7,672	do	vs.	J. H. Phelps.....	do	do
7,674	do	vs.	G. W. Goodwyn.....	do	do
7,673	do	vs.	D. W. Brickell.....	do	do
7,676	do	vs.	Emile Lasere.....	do	do
7,683	do	vs.	Wirt Adams.....	do	do
7,685	do	vs.	H. M. Hyams.....	do	do
7,685	do	vs.	Hyams & Denegre.....	do	do
7,686	do	vs.	John Slidell.....	do	do
7,688	do	vs.	A. W. Merriam.....	do	do
7,690	do	vs.	W. F. Hodgkins.....	do	do
7,711	do	vs.	T. W. C. & T. L. Cook...	do	do
7,718	do	vs.	Adam Giffin.....	do	do
7,726	do	vs.	A. W. Walker.....	do	do
7,739	do	vs.	J. D. Hill.....	do	do
7,746	do	vs.	J. O. Nixon.....	do	do
7,749	do	vs.	F. H. Hatch.....	do	1862
7,759	do	vs.	C. H. Slcomb.....	do	1861 and 1862.
7,769	do	vs.	J. A. Stevenson.....	do	do
7,770	do	vs.	A. W. Bosworth.....	do	do
7,778	do	vs.	G. O. Sweet.....	do	do
7,779	do	vs.	Daniel P. Logan.....	do	1862
7,811	do	vs.	W. G. Vincent.....	do	1861 and 1862.

CASES DISPOSED OF BY THE ATTORNEY GENERAL IN THE FIRST DISTRICT COURT, NEW ORLEANS,
FROM MARCH 4, 1864, TO OCTOBER 1, 1864.

NAMES.	CRIMES.	REMARKS.
John Leadriga.....	Murder.....	Not guilty. Self-defense.
Wm. McCullough.....	Shooting with intent to murder.....	Not guilty.
Hubert Dunderville.....	Shooting with intent to murder	Guilty.

The District Attorney assisted at the trial of the above named parties.

CASES DISPOSED OF BY THE ATTORNEY GENERAL IN THE DISTRICT COURT, PARISH OF JEFFERSON,
FROM MARCH 4, 1864, TO OCTOBER 1, 1864.

NAMES.	CRIMES.	REMARKS.
Jacques Pierre.....	Murder.....	Case continued at the instance of defendant's [counsel.
Cesar, f. m. o	Murder	Guilty of manslaughter.
Freeman, f. m. o.,	Murder.....	Not guilty.
F. McDuffy, f. m. o.,	Larceny	Guilty.

CASES IN THE SUPREME COURT.

From January 1, 1868, up to January 26, 1861, there were entered in the Supreme Court of Louisiana 6984 cases.

During the existence of Confederate rule in New Orleans, 445 suits were added to the above number, making in all 7429 cases, both civil and criminal, most of which still remain untried.

The number of State cases, either civil or criminal, pending in the Supreme Court, cannot, for the present, be ascertained, on account of the deranged condition of the records.

LIST OF CASES

DISPOSED OF BEFORE THE FIRST DISTRICT COURT OF NEW ORLEANS, BY DETENTOR ATTORNEY.

From November 1, 1863, to October 1, 1864, by nolle prosequi.

Assault and Battery,.....	21
Assault with intent to kill,.....	1
Larceny,.....	15
Embezzlement,	3
Receiving Stolen Property,.....	3
Gambling,.....	1
Robbery,.....	1
Obtaining Goods under False Pretences.....	2

A large number of the above cases had been on the docket for several years; some of the accused had died, and the witnesses in the other cases had disappeared.

CONVICTED.

Murder,.....	3
Manslaughter,.....	2
Robbery,.....	7
Burglary,	4
Assault and Battery,.....	43
Larceny,.....	73
Assault with intent to commit Rape,.....	2
Entering outhouse in the night time, with intent to Steal,.....	1
Carrying Concealed Weapons,.....	2
Assault with intent to kill,.....	2
Assault with intent to murder,.....	1
Assault with a dangerous weapon,.....	2
Drawing a check without having funds,.....	2
Embezzlement,.....	5
Uttering a false, forged and counterfeit Promissory Note,.....	2
Obtaining money under False Pretences,.....	1

Maliciously killing a horse,	1
Receiving Stolen Property, knowing it to have been stolen,	3
Biting and Maiming, with intent to maim,	1

ACQUITTAL.

Murder,	1
Shooting, with intent to commit Murder,	1
Assault with a dangerous weapon,	1
Robbery,	2
Burglary,	2
Stabbing, with intent to commit Murder,	1
Embezzlement,	5
Assault and Battery,	15
Entering houses in night time, without breaking, with intent to steal,	2
Assault, with intent to commit Rape,	1
Obtaining Goods under False Pretences,	1
Arson,	1
Bonds forfeited,	1

(Sheriff's return on *fi-fa*, no property found.)

LIST OF CASES,

Pending before the First District Court of New Orleans, to be tried :

Murder,	1
Forgery,	2
Horse Stealing,	1
Mule Stealing,	1
Larceny,	14
Assault and Battery,	14
Furious Riding,	1
Obtaining Money under False Pretences,	3
Embezzlement,	3
Malicious Mischief,	1
Assault with a dangerous weapon,	1
Stabbing, with intent to kill,	3
Swindling,	1
Robbery,	1
Gambling,	2
Receiving Stolen Property, knowing the same to have been stolen,	1
Oppression and Extortion in Office,	1
Illegal Voting,	1
Extortion in Office,	1

APPENDIX.

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PERSONS TRIED AND SENTENCED BY THE FIRST DISTRICT COURT OF NEW ORLEANS, FROM NOVEMBER 1, 1863, TO OCTOBER 1, 1864.

FOR THE CRIME OF MURDER.

NAMES OF CONVICTS.	PLACE OF NATIVITY.	DATE OF SENTENCE.	SENTENCE.	PERSONS MURDERED.
Mateo Urchl,	Austria,	Jan. 9, 1864.	Hanging.	Vincent Desovitch.
Lorenzo Saliba,	Malta,	Feb. 16, 1864.	Hanging.	Lorenzo Corraze.
Joe Polydor, alias J. Mitchell (colored.)	Louisiana,	Feb. 20, 1864.	Hanging.	Eleanor Gibson (a colored child.)

One of the above cases (Urchl) was prosecuted by Attorney General Durant, the other two by J. W. Thomas, District Attorney.

APPENDIX.

PERSONS TRIED AND SENTENCED BY THE FIRST DISTRICT COURT OF NEW ORLEANS, TO IMPRISON-
MENT WITH HARD LABOR, FOR TERMS FROM 5 TO 15 YEARS.

BETWEEN NOVEMBER 1, 1863, AND OCTOBER 1, 1864.

NAMES.	CRIMES.	SENTENCE.
Charles Reed.....	Manslaughter,	15 years imprisonment with hard labor.
William Turner.....	Manslaughter,	10 years imprisonment with hard labor.
P. Coffee, <i>alias</i> Goffin.....	Burglary,	10 years imprisonment with hard labor.
Peter Manning, <i>alias</i> Harvey.....	Burglary,	10 years imprisonment with hard labor.
James Cogan.....	Burglary,	10 years imprisonment with hard labor.
T. Marshall.....	Robbery,	10 years imprisonment with hard labor.
John Goulas, <i>alias</i> Butler.....	Burglary,	7 years imprisonment with hard labor.
J. Williams, <i>alias</i> Wilson.....	Robbery,	10 years imprisonment with hard labor.
Otto Schwaner.....	Receiving stolen property,	5 years imprisonment with hard labor.
Joseph Robinson.....	Assault with intent to murder,	10 years imprisonment with hard labor.
James Ward.....	Robbery,	7 years imprisonment with hard labor.
Pus. Loiseble.....	Robbery,	5 years imprisonment with hard labor.
H. Dunderville.....	Shooting with intent to commit murder.	5 years imprisonment with hard labor.

The above are the most important cases tried in the First District Court since its re-organization in the month of November, 1863. Various other sentences were passed, inflicting imprisonment for shorter terms, too numerous to be set forth in this report.

LIST OF SUICIDES COMMITTED FROM APRIL 1, 1864, TO OCTOBER 1, 1864, IN THE PARISH OF ORLEANS.

NAMES.	AGES.	DATE.	NATIVITIES.	MEANS USED.	REMARKS.
Mrs. Ellen Quirk.	26 years.	April 22, 1864.	England.	Laudanum.	In a fit of insanity.
Andre Marmouget.	45 "	June 7, "	France.	Hanging.	In a fit of insanity.
August Hurner.	21 "	Aug. 17, "	Switzerland.	Prussic Acid.	In a fit of insanity.
Nattie Cox.	25 "	Sept. 18, "	Massachusetts.	Poison.	

Wm. H. HIRE, M. D., Coroner,
Parish of Orleans.

The immediate predecessor of the present Coroner, has left no record of the official acts performed by him, while in office—from December 8th, 1863, to April 1st, 1864; Coroner Hire is, therefore, unable to furnish a report for that period

ABSTRACT OF REPORT DISTRICT ATTORNEY E. J. WENCK, SECOND JUDICIAL DISTRICT, PARISH OF JEFFERSON.

NAMES.	Acquitted.	Convicted.	Nolle Prosequi.	Discharged by Judge.	Pending.	REMARKS.
Forgery		1	1		1	No criminal trials were held in the parishes of Plaquemines, and St. Bernard—the other parishes of the Second Judicial District.
Larceny		4	1		16	
Murder			1		4	
Manslaughter		1				
Breach of Trust					1	
Trespass	1					
Ass't and batt'y with dang. weapons					1	
Threats to Kill					1	
Burglary					1	
Assault and Battery			2		2	

BONDS FORFEITTED.

Larceny—Amount of Bond \$200. (Fl. Fa. not yet issued.)

Larceny—Amount of Bond \$1000. (Fl. Fa. issued, property seized.)

Assault and Battery—Amount of Bond \$300. (Fl. Fa. not yet issued.)

ABSTRACT OF REPORT OF DISTRICT ATTORNEY, FOURTH JUDICIAL DISTRICT.

CRIMES.	Acquitted.	Convicted.	Pending.	PARISH.
Assault and Battery		1		St. Charles.
Assault			1	St. Charles.
Murder			1	St. John the Baptist.

Besides the district attorney for the parish of Orleans, five district attorneys have been commissioned since the re-establishment of civil government, viz: for the Second, Third, Fourth, Fifth, Seventh and Thirteenth Judicial Districts. A considerable amount of criminal business has been done in the District Court of the parish of Jefferson; there are four murder cases to be tried at the next term of that court. From the district attorney of the Fifth Judicial District no report has been received. There is one case of assault and battery to be tried before the District Court of the parish of Thibodaux.

The appointments of judges and district attorneys for the Third, Fourth, Seventh and Thirteenth Judicial Districts, have very recently been made, and no terms of courts have yet been held in those districts, except in the parishes of St. Charles and St. John the Baptist—two parishes in the Fourth Judicial District.

R E P O R T

OF THE

STATE LAND REGISTER.

STATE LAND OFFICE, LOUISIANA, }
New Orleans, Oct. 1, 1864. }

To His Excellency MICHAEL HARR, Governor of the State of Louisiana :

SIR—In compliance with the law, I have the honor to submit the following report of the operations in this department since assuming the duties of the same as provisional register.

On the 29th of July, 1864, I entered upon my duties, and found that the records of the State Land Office had either been destroyed or carried away by the late rebel authorities. My chief and immediate attention has been therefore directed to procuring a part at least of the necessary township maps and records, in order to begin at once to reorganize this department, and for which purpose I obtained permission, on the 6th of August last, from Major General N. P. Banks, Commanding the Department of the Gulf, to take copies of maps and records from those in the U. S. Land office for the South-eastern district of Louisiana, in this city, where I have for the present temporarily located myself.

Notwithstanding the exertions of myself and Mr. W. Hawsworth, Clerk of this Department, in making copies from the original lists of "Approvals and Abstracts of Sales" of swamp, school, seminary and internal improvement lands, etc., donated by the United States Congress to this State, much still remains to be accomplished. The long period of time since the establishment of the different U. S. land offices in this State, and the great amount and variety of documents recorded by former Registers, will necessarily render the task a work of some magnitude, and will require much time and assistance to perfect these records.

My assistance being limited, I have been unable, with the performance of my other duties as Register, to prepare but few copies of township maps. Having, however, fortunately preserved a great number of my own official plans, which I possessed as U. S. Deputy Surveyor, I will be enabled soon to complete a file of maps embracing all that portion of Louisiana within the Federal lines now. These maps will embrace about two hundred of the most important official copies, accompanied with field notes and entries, which I have collected during my long connection with the General Land Office in this State at a cost of about \$2500, and as they are indispensably necessary for this office, I shall expect from the State reasonable remuneration for the same.

I have also made arrangements to procure the maps and records of the South-western, North-western, North of Red River and Greensburg Districts, which I know to be in the hands of different private and military parties, and as I deem it of the highest importance to the people of this State, that this office should be thoroughly organized, I would respectfully recommend to the Legislature that the necessary appropriation be made to enable me to supply all the necessary records. In furtherance of this object, I would refer the Legislature to an Act No. 248, sections 4 and 5, approved March 17th, 1852, appropriating the sum of \$7000 for a similar purpose, when, at the time of said appropriation, the Register of the Land Office at Baton Rouge had all the maps in his possession, except those which contained the swamp and overflowed lands granted to the State by the United States, on the 2d of March, 1849, and 28th September, 1850.

The accompanying tabular statement, No. 1, will exhibit a list of applications made to this office during the month of September last, for the entry and pre-emption of swamp lands, under the acts approved March 19th, 1857, and March 16th and 17th, 1859, showing the total quantity applied for to be about 43,000 acres. The sales of these lands can be consummated as soon as the State Auditor and State Treasurer, who is *ex-officio* the Receiver of the State Land Office, are prepared to act. And it is most important for the benefit of the loyal people, and the State of Louisiana, that the entries of swamp lands be encouraged, as thereby our loyal population becomes augmented, the wealth of the State increased by internal improvement, and the State Treasury enriched. Many persons have already settled upon the public lands of the State since the resumption of loyal authority, and, being without titles to the same, are subject to constant annoyance and interruption. This will be obviated when the State Land Office is fully organized, so that land titles can be obtained.

I would respectfully recommend to the Legislature to amend the Act No. 197, approved March, 1859, which provides for the sale of tidal overflowed lands at the rate of twenty-five cents per acre. Much of these lands being covered with valuable timber, I would suggest that the act be so amended as to prevent the sale of any but prairie lands at that rate.

By reference to statement No. 2, which accompanies this report, it will be seen that on the 1st day of November, 1861, the vacant public lands in the State of Louisiana amounted to over ten millions of acres. In consequence of a large portion of these lands being disposed of after the State came under rebel rule, it becomes necessary for the loyal State Legislature now in session, to pass a law which shall set aside or confirm such sales. It may not be improper for me to observe that most of these sales, made under rebel authority, were made to disloyal persons. The passage of a law upon this subject will have a beneficial effect in settling conflicting claims, originating in loyal and disloyal authority, and will, at the same time, serve as a guide to this department in the disposition of lands donated to the State for public purposes by the United States Government.

Respectfully submitted,

JOS. GOBLINER, *Register.*

NUMBER 1.

List of Applications to enter and pre-empt Swamp Lands, at the State Land Office, during the month of September, 1864, under Acts approved March 19th, 1857, and March 16th and 17th, 1859.

No	NAME.	PARISH.	No. of Acres.
1	George Vest.....	St. John the Baptist,	160 68
2	Archibald Calhoun.....	" " "	160 03
3	Jacob Rice.....	" " "	181 72
4	Anna Halle.....	" " "	151 29
5	Sallie Vettle.....	" " "	107 41
6	J. H. Stephenson.....	" " "	161 40
7	Adam Schlosser.....	" " "	146 45
8	Matthew Schlosser.....	" " "	172 37
9	Daniel Hillsender.....	" " "	154 36
10	François Desert.....	" " "	177 86
11	William Kirch.....	" " "	140 62
12	Wandal Kelfer.....	" " "	165 49
13	John Kilbert.....	" " "	177 38
14	Martin Grode.....	" " "	176 96
15	Daniel Ulrich.....	" " "	172 90
16	Charles Grube.....	" " "	172 76
17	Mrs. Wilhelmina Hills.....	" " "	37 28
18	Nicholas Trumpf.....	" " "	186 20
19	Francis Foucher.....	" " "	155 40
20	Hypolite Cares.....	" " "	155 06
21	Pierre Ferrant.....	" " "	174 38
22	Emile Trumpf.....	" " "	133 06
23	Henry Weinastle.....	" " "	320 00
24	Jos. ph Desert.....	" " "	172 12
25	François Grand.....	" " "	156 04
26	Pierre Robert.....	" " "	160 03
27	Martin Kugler.....	" " "	139 84
28	Justine Keefer.....	" " "	140 68
29	Alexander Ernest.....	" " "	155 38
30	Andrew Bonderver.....	" " "	156 88
31	William Buttler.....	" " "	161 60
32	Toby Noblet.....	" " "	162 45
33	Jean de Bulle.....	" " "	147 56
34	Placide Grand.....	" " "	174 24
35	H. Mass.....	" " "	608 72
36	Conrad Schmidt.....	" " "	639 06
37	Henry Phillips.....	" " "	590 64
38	Emile Houllon.....	" " "	540 52
39	Francis Grand.....	" " "	2,560 00
40	John Ouder.....	" " "	160 00
41	Martin Schlosser.....	" " "	172 12
42	Thomas Elliot.....	Jefferson,	160 00
43	Charles Rawle.....	"	160 00
44	Fredrick Ténole.....	St. Charles,	162 56
45	John Geo. Chadwick.....	"	1,586 34
46	L. P. Desmousseaux.....	Orleans,	527 62
47	Francis Guerrin.....	"	160 00
48	W. D. Knapp.....	St. Bernard,	4,515 00
49	C. Bache.....	Lafourche,	206 63
Applications not perfected, about.....			25,000 00
Total.....			42,835 94

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NUMBER 2.

Statement of Vacant Public Lands in the State of Louisiana, on the 1st November, 1861.

DISTRICTS.	Swamp Lands as shown by Maps.	Internal Im- provements in General Land Office.	High Lands as reported by District Officers.	Total Acres.
South Western	2,002,286 57	20,838 16	1,769,643 60	3,792,768 33
Greensburg.....	214,329 61		666,377 41	880,707 02
North Western....	295,403 88	3,403 65	1,591,598 34	1,890,405 87
South Eastern.....	1,504,512 90	6,874 63	1,200 00	1,512,587 43
North Red River..	813,798 48	711 80	1,138,688 03	1,953,198 31
	4,830,331 44	31,828 14	5,167,507 38	10, 29,666 96

REPORT

ON THE

STATE LIBRARY.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 3, 1864. }

To the Senate and House of Representatives of the

State of Louisiana, in General Assembly convened :

GENTLEMEN—I herewith transmit you, according to law, a detailed statement of the condition and transactions of the State Library, during a period of about seven months, dating from my entering in office, from which time it will be seen that the number of volumes saved and now in the Library, are estimated by the librarian at about 25,000 volumes.

From the statement of the secretary of state, transmitted to the General Assembly, in 1861, it appears that there were in the State Library, at that time :

	Volumes.
Works of Literature, History and Science.....	5,250
Laws and Reports of the Supreme Courts of all the States and United States, English Reports, and standard works of Legal Science in various countries.....	5,409
French Literature, Medical Works, &c.....	6,625
Executive, Senate, and House Journals of the United States.....	7,744
Acts and Journals of the State and Supreme Court Reports:.....	10,000
	35,028
In the basement of the State House, at least (supposed to be law books)	15,000
Giving an aggregate number of about.....	50,028

On the 27th of August, 1862, and upon the evacuation of the United States forces from Baton Rouge, Major General Butler ordered a portion of the books of the State Library to be removed to New Orleans. They were, accordingly, packed in boxes, where they could be obtained, but a great number were brought loose, and were conveyed to the city, and deposited in

various rooms and closets of the City Hall. Judge Carrigan, after the evacuation, saved from loss another portion consisting of about 5,000 volumes, and concealed them in a secure place, at twelve or fifteen miles from Baton Rouge. The balance remaining in the State House was afterwards burned up, together with the building itself.

Lately, by the protection and under the recommendation of his Excellency Governor Michael Hahn, I was enabled to obtain of Major General Banks, an order to the military authorities of Baton Rouge, for an escort and wagons, for the purpose of proceeding about fifteen miles back of Baton Rouge, to recover the books deposited by Judge Carrigan for safe keeping.

Only 3,000 of the above said 5,000 volumes were brought to this city, but are still unpacked, for want of room to distribute them. The balance remains in a safe place, and will, it is hoped, be also recovered, as soon as the country shall be free from rebel rule.

The present accommodation in the City Hall, for that purpose, is altogether inadequate. In one small room, there are about 15,000 volumes, but it has been impossible to arrange and classify them properly, for want of space. The remainder of the books are scattered in several places, and lying in heaps, greatly to the annoyance of the city officials, who require the use of the whole building for public purposes.

In this connection, I would state, in justice to the Hon. Stephen Hoyt, acting Mayor of the city, that he allowed provisionally a portion of the hallway on the third floor of the City Hall, for the use of a small part of said volumes, and ordered the city Surveyor to provide shelves, for which expense I consider the State bound, and recommend it be reimbursed the city, on the bill of the Surveyor.

The State Librarian, since his entry in office, received from several sources, the following number of volumes :

	Volumes.
From California, Western Virginia, and the Smithsonian Institution.	7
	Copies.
From the official Printer to the Constitutional Convention, Journals in French and English.....	1,200
Debates in English.....	500
And, in exchange, a map of the State of Louisiana, valued at \$20..	1

THE DISTRIBUTION

To the Members of the Constitutional Convention, State and City Officers, and Governors of loyal States and Territories :

	Copies.
Journals of the Convention.....	1,000
Debates.....	500

	Volumes.
To Judges, Clerks, District Attorneys, Justices of the Peace, &c., various law books	252

APPENDIX.

AND HE GAVE ALSO IN EXCHANGE :

	Volumes.
Louisiana Annual Reports.....	30
Martin's do	3
Robinson's do	1
Acts	1
Whole number of volumes.....	<u>35</u>
At an aggregate value of.....	\$224
Received the map of the State.....	<u>20</u>
Balance due in exchange.....	<u>\$204</u>

It appears from reports of former librarians, that for many years, there was in practice the habit to make exchanges with book merchants. According to that custom, the present librarian thought proper so to exchange some of the above mentioned books. But, considering that such exchanges cannot be to the advantage of the State library, I would suggest that the part of the act No. 242, of 1855, authorizing the same, be repealed ; a matter upon which I call the attention of your honorable body.

The report of Judge Carrigan, the librarian, shows that he has now under his supervision :

	Volumes.
In room No. 25, City Hall, in French, English, and other various languages, in Miscellaneous Works of Literature, History, Science, and Medical works, about.....	10,000
In other rooms, halls and places, some Miscellaneous Laws-Books, estimated at about.....	15,000
Making a total of about.....	<u>25,000</u>

From the foregoing recapitulation, it appears that about 25,000 volumes are missing, estimated in value at \$125,000.

Mr. Carrigan was appointed by me, as librarian, on the 27th of March last, a few days only before the constitutional convention met. From his entering in office, and during the session of said convention, he was constantly employed in the endeavors to attend, every day, the wants and request of its members. After the adjournment of that body, and his return from Baton Rouge, he has devoted his whole time in sending to the governors and public institutions of the several States, the Journal and Debates of the convention, and in making the best distribution of the books possible for the use of the Legislature. And, since, he also employed the few moments left him to dispose of, to remove a quantity of books from rooms destined to the use of the General Assembly.

Owing to the causes stated, it has been entirely impossible for the librarian

to comply with the fourth section of an act of 1855, requiring an inventory as well as catalogues of all the books and papers in the library to be taken. As soon as circumstances will permit, a full inventory and complete catalogues will be taken.

When the State government was in Baton Rouge, some white persons and a number of negroes were allowed for the service of both the offices of secretary of state and librarian. In the present circumstances, it is indispensable for said offices, to have a messenger to carry packages, letters, etc., to the express company, post office and other places; and from the 1st of September last, I have been under the necessity to appoint one.

The librarian has to receive, and is required by law to send many packages and letters to all loyal States and Territories, and is bound to pay postages, packing, etc.;—also he requires articles of stationery, for which there should be an appropriation by law. I estimate that \$300 would cover those expenses.

In the previous years, the ordinary appropriation for the purchase of books, the distribution of various works and the contingent expenses of the library, was fixed at \$5,000. Owing to the present situation of the State treasury, I will not specify any sum, but leave it to your wisdom to fix the amount.

In conclusion, I would respectfully submit and recommend to your consideration, the following items:

1st. To take the proper measures to obtain a suitable location for the State library, wherein to receive and systematically arrange, according to subject and languages, about 30,000 volumes, as a great deal of the books are rapidly going to ruin, for want of place.

2d. To appropriate a sufficient amount to cause the city to be reimbursed on the bill of the city surveyor, for expenses in fitting up shelves of the library.

3d. To appropriate \$600 per annum, for the salary of a messenger for the use of the secretary of state and librarian, payable monthly, from the 1st of September last.

4th. Also, to appropriate \$300 for the contingent expenses of the State library, running from the 1st of September last, up to the same day, in 1865.

The present salary of the librarian, owing to the high rate of all things, is meagre. I think it a matter of justice, to call the attention of your honorable body upon that serious subject.

Very respectfully, your obedient servant,

S. WROTNOWSKI,

Secretary of State.

REPORT

OF

THE BOARD OF CURRENCY.

To the Honorable the Senate and House of Representatives of the State of Louisiana, in General Assembly convened :

GENTLEMEN:—The undersigned beg leave to report that, on the 7th of April last, they addressed notes to all the chartered and free banks of this city, to the effect that they would be expected to make weekly and monthly reports to the Board of Currency, as provided by law.

The Bank of Louisiana and the Merchants' Bank responded that they were in liquidation by order of Major General Butler.

The Crescent City Bank made a similar response, but has continued to send regular reports; and, with regard to this bank, it gives us pleasure to state that they have succeeded in arranging their affairs in so satisfactory a manner, that their indebtedness has been reduced from four hundred and eight thousand and seventy-seven dollars (\$408,077) to one hundred and eighty-five thousand one hundred and fifty-three dollars and twenty-two cents (\$185,153 22-100) since the 6th of September ultimo, and their notes have advanced from forty (40) to eighty (80) cents on the dollar in that time.

The Bank of New Orleans reported on the 16th of April, but has discontinued to do so from that date until within the last few weeks.

With reference to this bank, it should be stated that the officers steadily neglect to provide means for the redemption of their circulation, either in legal tender or notes of the city of New Orleans, and their notes are now worth only forty-five (45) cents on the dollar in the money market.

The State treasury holds thirty-three thousand five hundred and eighty dollars (\$33,580,) of these notes, and it is suggested that urgent measures should be adopted, by which the State may be secured against loss on the same.

With these exceptions, all the banks have sent regular reports, properly attested, according to the requirements of the law in such cases provided.

These reports have not been published on account of the imperfect organization of the Board—no President or Secretary having been appointed, and

from the fact that the banks have been doing little or no business, except to retire their circulation. Another reason was found in the fact that a "Financial Commission," appointed by Major General Banks, has been engaged in examining into the conditions of the banks and other corporations of the city. These reports, together with lists of the actual stockholders, are on file in the State Treasurer's office, and are open to the inspection of the public, and are ready to be submitted to the appropriate committee of the Legislature.

We enclose copies of the several reports returned on Saturday, the 15th instant.

In this connection, permit us to call your special attention to the management and present condition of the Southern Bank.

On the 16th of September, 1861, this bank refused, emphatically, to suspend specie payments, when all the other banks were forced to yield to the public and official pressure that was brought to bear upon them. All the liabilities of this bank, existing at that time, have been paid in specie, and it is now entirely free from all obligations except a small remnant of circulation—say about thirteen thousand dollars (13,000,) which has not been paid only because it has been inaccessible, and which amount is provided for by an equal amount of coin in the vault of the bank. Such a rare instance of careful management would seem to make this public mention an act of simple justice.

With reference to the other banks which are redeeming their issues in lawful money of the United States, we doubt not the wisdom and discretion of your honorable body will enable you to reach such conclusions as shall contribute to the maintenance of law, while they have a studied and careful regard to the interests of all concerned. In seeking this end, it should be remembered that the banking system of this State had no superior, possibly no equal, on this continent.

The management of these institutions in past years has been such as to enable them to weather financial storms, when those of other parts of the country yielded to the pressure.

They were the pride of our city and State, and enjoyed the confidence of the entire commercial community. Our merchants availed themselves of these banking facilities to enlarge their operations, and, by extending accommodations to the agricultural interests, our own and the neighboring States were enabled to develop their resources, and, in return, poured their wealth into this our South-western Metropolis. Hence it is that the portfolios of these banks represent claims, more or less direct, upon a very large portion of the agricultural wealth in the lower Mississippi valley.

Their list of stockholders is represented by thousands of our fellow-citizens, who have thus invested their means for safe-keeping and profit. Here, perchance, is the last resource of the aged and the infirm, the widow and the orphan, whose other reliance has been swept away by the ravages of war.

It becomes, then, a serious question, whether the full rigor of the law should be visited upon these institutions, or whether they should have an opportunity extended to them, under the strict surveillance of the State authorities, to recover themselves from their present anomalous and trying condition. So long as they redeem their circulation in legal currency, they would seem to be doing justice to the general public in the same degree with the majority of the banks in the Northern States; and there is, at least, a hope that with the return of peace, and the consequent revival of agricultural and commercial interests, they may be able to collect their debts without material distress to their debtors, and thus make some return to those who have so confidently invested their means in these stocks.

If, however, the full rigor of the law shall be applied, it seems inevitable that the debtors must be ruined, the securities rendered worthless by forced sales in a time of depression, and the thousands of innocent stockholders deprived of all expectation of any return for their investments.

Permit us to suggest that the object of legislation should be to root out and obliterate all wrong and corruption, but at the same time to foster and aid that which is honest and valuable, especially when overborne and crushed by a force too powerful to be resisted, and too wide extended to be escaped.

It will be observed that the status of the Louisiana State Bank must be materially affected by the amount of Confederate notes which they hold to the credit of the State treasury. What the application of law might require in the premises, it does not belong to our official functions to inquire. But we have serious doubts whether the history of the means by which that money was left in the vault of the bank, will show that there is equitable reason why the bank should be compelled to make the amounts in lawful currency. It should be stated, in this connection, that this same claim was made upon the bank during the administration of General Shepley, late military governor of Louisiana; but, on presentation of the facts of the case, the claim was relinquished, and with the advice and consent of General Shepley and the other military authorities, the Confederate money was invested in cotton within the Confederate lines of military occupation, with the understanding, that when the cotton should be realized, the banks indebted to the State should be paid in currency. Accordingly, the aforesaid Confederate money is no longer in the possession of the banks; but instead of it, are the proper permits, issued by Gen. Shepley, for bringing the aforesaid cotton to market. The varying issues of military campaigns in this department have not yet afforded opportunity to bring in this cotton, and therefore the amount of Confederate money has not been replaced by lawful currency.

We have the honor to be,

Yours, very respectfully,

J. G. BELDEN, *Treasurer.*

S. WROTNOWSKI, *Secretary of State.*



